

Schedule "B"

VILLAGE OF CHAMPION BYLAW NUMBER 2021-002

A bylaw of the Village of Champion in the Province of Alberta to establish a Regional Assessment Review Board.

WHEREAS, Section 454 of the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto, provides that a Council must by bylaw establish a local assessment review board (LARB) and a composite assessment review board (CARB); and

WHEREAS, Section 455(1) of the *Municipal Government Act*, permits two or more Councils to jointly establish a local assessment review board or a composite assessment review board, or both to have jurisdiction in their respective municipalities; and

WHEREAS, the Council of the Village of Champion wishes to join other area municipalities 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 the respective taxpayers of a Regional Member Municipality; and

NOW THEREFORE, the Council of the Village of Champion, duly assembled, enacts as follows:

I. Title and Establishment

- 1) The title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".
- 2) That Council establish a local assessment review board (LARB) and a composite assessment review board (CARB) by way of establishment of a Regional Assessment Review Board.

II. Definitions

- 1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.
- 2) In this bylaw the following terms shall have the meanings shown:
 - a) "Board" means the Regional Assessment Review Board;
 - b) "CARB" means the Composite Assessment Review Board established in accordance with the *'Matters Relating to Assessment Complaints'* regulation;
 - c) "Citizen-at-large" means a person who does not represent a specific organization.
 - d) "Chair" means one of the board members jointly designated as chair by the councils as required under Section 455(2) of the Municipal Government Act.

- , “Designated Officer” means the person appointed by councils to carry out the duties and functions of the clerk of the assessment review board as required under section 456 of the Municipal Government Act;
- f) “LARB” means the Local Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints*’ regulation;
- g) “Member” means a member of the Regional Assessment Review Board;
- h) “MGA” means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act;
- i) “Regional Member Municipality” means those municipalities who enter into an agreement with the Oldman River Regional Services Commission to jointly establish a Regional Assessment Review Board and who enacts a bylaw substantially in the form of this bylaw.

III. Appointment of Board Members

- 1) Each Regional Member Municipality may appoint one Citizen-at-large to the Board and may appoint one council member as an alternate to the Board.
- 3) In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.

IV. Terms of Appointment

- 1) Unless otherwise stated, all Members are appointed for three-year terms, except in the initial year where up to three are appointed for three-year terms and up to four are appointed for two-year terms.
- 2) If a vacancy on the Board occurs the Member Municipality who made the appointment may appoint a new person to fill the vacancy for the remainder of the 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 and to the Member Municipality to that effect.
- 5) The Member Municipality may remove their designated Member at any time.

V. Panels of the Board

- 1) The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels are to consist of:
 - three persons selected by the Chair when the Board is acting as a Composite Assessment Review Board or a Local Assessment Review Board; or
 - a single member selected by the Chair when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.

- 2) The Chair may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
 - the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
 - the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board;
 - where possible, the Chair shall include on a three-person panel a member who is from the municipality under whose jurisdiction the complaint arises.

VI. Chairperson

The Chairperson of a panel:

- will preside over and be responsible for the conduct of meetings;
- may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
- will vote on matters submitted to the panel unless otherwise disqualified.

VII. Jurisdiction of the Board

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 Regional Member Municipality.

VIII. Chair

- 1) The Chair of the Regional Assessment Review Board shall be one of the Board members as jointly designated by councils of the Member Municipalities as required under Section 455(2) of the Municipal Government Act.
- 2) The Chair will be designated yearly by a resolution of member councils.

IX. Designated Officer(s) of the Board

- 1) The Designated Officer(s) of the Board shall be the Director (or his designate) of the Oldman River Regional Services Commission as appointed by the council of Village of Champion.
- 2) The Designated Officer shall:
 - Shall act as clerk;
 - shall assist the Board in fulfilling its mandate; and
 - prescribe the remuneration and expenses payable to each member of the Assessment Review Board.

X. Meetings

- 1) Meetings will be held at such time and place as determined by the Board.
- 2) The proceedings and deliberations 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.

XI. Quorum and Voting

- 1) The quorum for panels of the Board shall be as established by the MGA, namely:
 - two members of a panel acting as a local assessment review board; and
 - one member and the provincial member of a panel acting as a composite assessment review board.
- 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 panel.

XII. Conflict of Interest

- 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:
 - declares that he or she has a conflict of interest; and
 - describes in general terms the nature of the conflict of interest.
- 2) The Designated Officer shall cause a record to be made in the Minutes 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:
 - 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
 - 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.

XIII. Pecuniary Interest

- 1) The pecuniary interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.

- 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.

XIV. Commencement of Appeals

- 1) A taxpayer may commence an assessment complaint by:
 - 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 and within the time specified in the MGA; and
 - paying the applicable fee.

XV. Rules of Order

- 1) The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

XVI. Adjournments

- 1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
 - allowing the Board to obtain a legal opinion or other professional guidance; or
 - to allow a viewing by the Board of the site in respect of which the appeal is being made.
- 2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by e-mail) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

XVII. Notice of Decisions & Record of Hearing

- 1) After the hearing of a complaint, the Designated Officer shall:
 - under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - 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 the hearing.

XVIII. Delegation of Authority

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

- its authority under the MGA to prescribe an appeal fee schedule and the remuneration and expenses payable to each member of the Regional Assessment Review Board and to the Designated Officer who will follow the Oldman River Regional Services Commission policy.

XIX. Reimbursement of Costs

- 1) The Oldman River Regional Services Commission shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Member Municipalities will be as set out in the agreements established.
- 2) Each participating Regional Member Municipality is responsible for establish filing fees and administering policies in respect of refunding filing fees in accordance with the Municipal Government Act and the Matters Relating to Assessment Complaints Regulation.

Read a First Time in Council this 22 day of February, 2021.

Read a Second Time in Council this 22 day of February, 2021.

Read a Third and Final Time in Council this 22 day of February, 2021.



Mayor / Reeve



Municipal Clerk/CAO

Schedule “C” Responsibilities

AC = Assistant Clerk from member municipality

A = Assessor from member Municipality

C = Clerk for Regional Board (ORRSC or as designated by Director)

Receipt of Appeal	
AC	<ul style="list-style-type: none"> Collect fee
AC	<ul style="list-style-type: none"> Review appeal for validity/compliance with legislation
AC	<ul style="list-style-type: none"> Open file and send to Assessor & Clerk

Initial Stages	
A/AC	<ul style="list-style-type: none"> Preliminary discussions and disclosure of information occurs between Complainant and Assessor
A/AC	<ul style="list-style-type: none"> Assessor advises Assistant Clerk if matter is resolved or proceeding to appeal
AC	<ul style="list-style-type: none"> If resolved, Assistant Clerk advises Clerk and administers withdraw in accordance with local practice (refund fee MGA Sec, 481(2))
AC	<ul style="list-style-type: none"> If proceeding, Assistant Clerk advises Clerk and forwards copy of all appeal documents
AC	<ul style="list-style-type: none"> Assistant Clerk advises Regional Clerk of hearing location preference

Confirmation of Receipt of Appeal	
C	<ul style="list-style-type: none"> Review appeal for appeal type/validity/compliance with legislation
C	<ul style="list-style-type: none"> Determine if issue exists for merit hearing

Assignment of Resources	
C	<ul style="list-style-type: none"> Open file/identify all parties involved
C	<ul style="list-style-type: none"> Assign administrative support and Board members
C	<ul style="list-style-type: none"> Establish hearing date, schedule facility, Board members

Send Notice of Hearing to Complainant	
C	<ul style="list-style-type: none"> Copies to Assistant Clerk, Assessor and Minister (if CARB)
C	<ul style="list-style-type: none"> Copies if necessary to property owner, agent, lessee, etc...

	Disclosure
AC/A	<ul style="list-style-type: none"> Complainant provides first disclosure to Assistant Clerk and Assessor
AC	<ul style="list-style-type: none"> Assistant Clerk date stamps submission and forwards a copy to Clerk
A	<ul style="list-style-type: none"> Assessor submits response to Assistant Clerk and Complainant
AC	<ul style="list-style-type: none"> Assistant Clerk date stamps Assessor's submission and forwards a copy to Clerk
AC	<ul style="list-style-type: none"> Complainant provides rebuttal to Assistant Clerk and Assessor
AC	<ul style="list-style-type: none"> Assistant Clerk date stamps submission and forwards a copy to Clerk

	Agenda
C	<ul style="list-style-type: none"> Clerk verifies all disclosures
C	<ul style="list-style-type: none"> Clerk verifies attendance of all parties
C	<ul style="list-style-type: none"> Clerk produces agenda packages and provides copies at the hearing for members and public
C	<ul style="list-style-type: none"> Clerk liaises with Board and provides all material necessary – including legislation
C	<ul style="list-style-type: none"> Clerk prepares templates for minutes and decisions of Board

	Appeal Hearing
C	<ul style="list-style-type: none"> Clerk attends hearing and produces minutes that identify all issues presented to Board
C	<ul style="list-style-type: none"> Clerk attends deliberations and produces a decision from the Board that identifies all issues, arguments, reasons for the decision (including both conforming and dissenting reasons)

	Send Notice to Complainant
C	<ul style="list-style-type: none"> Copies to Assistant Clerk, Assessor and Minister (if CARB)
C	<ul style="list-style-type: none"> Copies if necessary to property owner, agent, lessee, etc...

	Reporting
C	<ul style="list-style-type: none"> Clerk provides Assistant Clerk with a reporting package of the appeal which includes:
C	<ul style="list-style-type: none"> – Invoice for services in accordance with agreement
C	<ul style="list-style-type: none"> – Copy of hearing minutes
C	<ul style="list-style-type: none"> – Statistics (where necessary)
C	<ul style="list-style-type: none"> – Feedback form to establish best practices and service standards for quality control
C	<ul style="list-style-type: none"> – Clerk compiles and retains a record of the hearing in accordance with legislation and regulations

Schedule “D” Fees

Regional Assessment Board Annual Dues

Entry Fee = \$500. Thereafter, each municipal member shall be invoiced a \$225 administrative fee annually, payable to Oldman River Regional Services Commission.

Remuneration

Board Members shall receive honorariums for adjudicating at formally scheduled Hearings or taking appropriate training. Honorariums shall be awarded on the following basis:

MERIT Half day – Four (4) hour block \$100.00

MERIT Full day – Four plus (4+) hour block, excluding lunch hour \$200.00

LARB Half day – Four (4) hour block \$100.00

LARB Full day – Four plus (4+) hour block, excluding lunch hour \$200.00

CARB Half day – Four (4) hour block \$200.00

CARB Full day – Four plus (4+) hour block, excluding lunch hour \$400.00

Board Members and the Designated Officer shall receive compensation 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.

Board Members and the Designated Officer 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 Designated Officer.

Guidance to limitations can be derived from the most current published Alberta Government Public Service Subsistence, Travel and Moving Expenses regulation.

Board Members and the Designated Officer shall receive reimbursement for any lodging accommodations required while performing adjudication duties or taking appropriate training.

Provincial Members shall receive reimbursement for all expenses incurred and at the rates prescribed by the Province.

Category of Complaint Fee

Filing fees are determined and collected by individual Municipalities through either a Fees Bylaw or Fee Policy.

In response to recent provincial legislation, the affected Municipality will refund assessment complaint fees when the board or (on appeal) the Court of Queen's Bench decides in favour of the complainant. The fee will also be refunded if a complaint is withdrawn because agreement was reached with an assessor to correct the matter under complaint.

The following fees are suggested, but are NOT mandatory:

Residential 3 or fewer dwellings and farm land – \$50.00

Residential 4 or more dwellings – \$650.00

Non-residential – \$650.00

Business Tax – \$50.00

Tax Notices (other than business tax) – \$30.00

Linear property-power generation – \$650.00 per facility

Linear Property – other \$650.00 per LPAUID

Equalized assessment – \$650.00