



CITY OF FORT SASKATCHEWAN

BYLAW C14-10

ASSESSMENT REVIEW BOARDS BYLAW

WHEREAS, pursuant to Part 11 of the *Municipal Government Act*, Council may establish one or more Assessment Review Boards;

NOW THEREFORE, the Council of the City of Fort Saskatchewan in the Province of Alberta, in open meeting of Council, enacts as follows:

This Bylaw may be cited as the City of Fort Saskatchewan "Assessment Review Boards Bylaw".

1. PURPOSE

The purpose of this Bylaw is to establish Assessment Review Boards under Part 11 of the *Municipal Government Act*.

2. DEFINITIONS

For the purposes of this Bylaw, the following words shall mean:

- (a) "Act" means the *Municipal Government Act, R.S.A. 2000, c.M-26*, as amended or repealed and replaced from time to time;
- (b) "Assessment Complaints Manager" means the designated officer appointed by Council in accordance with Bylaw C13-10 to administer the Boards or his designate;
- (c) "Authorized Substitute" means an individual who is authorized for appointment to fill a Vacancy;
- (d) "Board" means Assessment Review Board, specifically either the Local Assessment Review Board (LARB) or the Composite Assessment Review Board (CARB);
- (e) "City" means the City of Fort Saskatchewan;
- (f) "Complaint" means a complaint under Part 11 of the Act;
- (g) "Composite Assessment Review Board" or "CARB" means the Board established pursuant to this Bylaw having the jurisdiction to deal with the complaints arising from the assessment of all properties other than those specifically identified as being within the jurisdiction of a LARB property and such other matters as are set out in the Act as being within the jurisdiction of a CARB;
- (h) "Council" means the Council of the City of Fort Saskatchewan;
- (i) "Local Assessment Review Board" or "LARB" means the Board established pursuant to this Bylaw having the jurisdiction to deal with the complaints arising from the assessment of residential property with three (3) or fewer dwelling units, farmland and such other matters as are set out in the Act as being within the jurisdiction of a LARB;
- (j) "Mayor" means the chief elected official of the City of Fort Saskatchewan;
- (k) "Member" means a Member of a Board duly appointed by Council or the Province and includes a Presiding Officer, but does not include an Authorized Substitute, unless the Authorized Substitute is filling a Vacancy;
- (l) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for the Act;
- (m) "Presiding Officer" means a person chosen as Presiding Officer of a Board under section 7 of this Bylaw;
- (n) "Provincial Member" means a member appointed by the Minister to sit on a CARB;
- (o) "Vacancy" means an absence from a hearing due to:
 - (i) direct or indirect interest in a matter before the Board, or
 - (ii) an inability or refusal by a Member to continue to fulfill his obligation as a Member of a Board.

3. ESTABLISHMENT OF ASSESSMENT REVIEW BOARDS

- (a) Single person Boards for the City are hereby established.
- (b) Three person Boards for the City are hereby established.

4. MEMBERSHIP

- (a) The Assessment Complaints Manager in consultation with the City, may appoint up to three Members from the list of individuals adopted by Council resolution to each Board.
- (b) A Member is an Authorized Substitute for any Board.
- (c) Council may by resolution appoint other individuals as Authorized Substitutes.

5. TERM OF OFFICE

- (a) Council may by resolution specify the dates of the beginning and end of the one year term of office of a Member or an Authorized Substitute.
- (b) Council may by resolution appoint a Member or an Authorized Substitute for more than one term.

6. VACANCIES

- (a) The Assessment Complaints Manager may appoint an Authorized Substitute to fill a Vacancy.
- (b) If no Authorized Substitute is available to fill a Vacancy, the Mayor may appoint an individual as an acting Member of a Board.

7. PRESIDING OFFICER

- (a) The Members will select one Member from those assigned to hear a Complaint to serve as the Presiding Officer for LARB hearings.
- (b) The Provincial Member will serve as the Presiding Officer for CARB hearings.
- (c) The Presiding Officer shall be the chair for the hearing.

8. DUTIES OF PRESIDING OFFICER

The Presiding Officer will:

- (i) ensure that hearings are conducted fairly;
- (ii) prepare and sign written decisions and reasons for any hearings over which the Presiding Officer presides;
- (iii) ensure that any dissenting opinions are prepared and signed by the Member dissenting; and
- (iv) review and, whenever appropriate, approve any other documents the Assessment Complaints Manager may prescribe from time to time for any hearings over which the Presiding Officer presides.

9. DUTIES OF THE ASSESSMENT COMPLAINTS MANAGER

The Assessment Complaints Manager will:

- (i) act as Chair at general meetings of the Members and Authorized Substitutes;
- (ii) act as the primary liaison between the Members and Authorized Substitutes, the Boards and Council;
- (iii) prepare a report for Council on all Boards, which may include:
 - (a) an evaluation of each Member and Authorized Substitute who wishes to be re-appointed;
 - (b) recommendations to Council for reappointment;
 - (c) an evaluation of the skills, knowledge and experience required by applicants for membership; and

(d) any other information or opinions requested or required by Council or a Committee of Council from time to time;

(iv) monitor hearings and recommend to the Members measures to improve the fairness and efficiency of hearings; and

(v) perform any other Board duties that Council may prescribe from time to time.

10. REMUNERATION AND EXPENSES

Council may by resolution set the level of remuneration and rate of reimbursement for expenses to be paid to Members and Authorized Substitutes.

11. FILING FEE

The fees for filing each Complaint shall be as determined by Council and set out in the City's Fees and Charges Bylaw as amended, repealed or replaced from time to time.

12. REFUND OF FILING FEE

The City must refund a fee paid under section 11 as required by the Act.

13. SOLICITOR

An independent solicitor may be appointed by the Assessment Complaints Manager in consultation with the City to advise the Boards about assessment review and related matters.

14. NUMBER AND GENDER REFERENCES

All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.

15. SEVERABILITY

Each section of this Bylaw shall be read and construed as being separate and severable from each other section. Furthermore, should any section or part of this Bylaw be found to be improperly enacted for any reason, then such section or part shall be regarded as severed from the rest of the Bylaw and the Bylaw remaining after severance shall be effective and enforceable.

16. REPEAL

Bylaw No. C17-98 and all amendments thereto are hereby repealed.

17. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this 11th day of May A.D., 2010

READ a second time this 25th day of May A.D., 2010

READ a third time and finally passed this 25th day of May A.D., 2010

CITY OF FORT SASKATCHEWAN			
APPROVED	DATE	INTL.	
Dir. Leg. Svcs.	Legal & Form	MAY 5 2010	Y/M
Dep'l.	Content	MAY 5 2010	R/D
City Mgr.	Principle	MAY 5 2010	R/D

J. Sheogreen
MAYOR

A. MacIntyre
DIRECTOR, LEGISLATIVE SERVICES

Date Signed: May 26, 2010