



CITY OF FORT SASKATCHEWAN

BYLAW C8-20

ASSESSMENT REVIEW BOARDS BYLAW

WHEREAS, pursuant to Part 11 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 (the MGA), Council must establish local and composite 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's "Assessment Review Boards Bylaw".

1. PURPOSE

The purpose of this Bylaw is to establish Assessment Review Boards under Part 11 of the MGA.

2. DEFINITIONS

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

- (a) "Assessment Complaints Manager" means the assessment complaints designated officer appointed by Council in accordance with Bylaw C7-20 to administer the Boards, or their designate;
- (b) "Board" means Assessment Review Board, specifically either the Local Assessment Review Board (LARB) or the Composite Assessment Review Board (CARB), and includes a panel of either Board convened in accordance with the MGA;
- (c) "City" means the City of Fort Saskatchewan;
- (d) "Clerk" means the designated officer appointed by Council pursuant to section 456 of the MGA;
- (e) "Complaint" means a complaint under Part 11 of the MGA;
- (f) "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 MGA as being within the jurisdiction of a CARB;
- (g) "Council" means the municipal Council of the City of Fort Saskatchewan;
- (h) "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 MGA as being within the jurisdiction of a LARB;
- (i) "Mayor" means the chief elected official of the City;
- (j) "Member" means a Member of a Board duly appointed by Council or the Province of Alberta and includes a Presiding Officer, or a Member which is filling a Vacancy;

- (k) "Minister" means the Minister determined under Section 16 of Alberta's *Government Organization Act* as the Minister responsible for the MGA;
- (l) "Presiding Officer" means a person chosen as Presiding Officer of a Board under section 7 of this Bylaw, in accordance with Part 11 of the MGA;
- (m) "Provincial Member" means a Member appointed by the Minister to sit on a CARB;
- (n) "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 their obligation as a Member.

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, must appoint at least three Members from the list of individuals adopted by Council resolution to the LARB.
- (b) The Assessment Complaints Manager, in consultation with the City, must appoint at least two Members from the list of individuals adopted by Council resolution to the CARB.
- (c) A Member is authorized to fill a Vacancy for any Board.
- (d) Council may by resolution appoint other individuals as Members.

5. TERM OF OFFICE

- (a) Members shall be appointed for a term of office for one year.
- (b) Council may, by resolution, specify the dates of the beginning and end of the term of office of a Member.
- (c) Council may, by resolution, appoint a Member for more than one term.

6. VACANCIES

- (a) The Assessment Complaints Manager may appoint a Member to fill a Vacancy.

7. PRESIDING OFFICER

- (a) The Assessment Complaints Manager 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.

8. DUTIES OF PRESIDING OFFICER

The Presiding Officer shall:

- (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 shall:

- (i) act as, and fulfil the obligations of, the chair for the purposes of Part 11 of the MGA, and act as the chair at general meetings of the Members;
- (ii) act as the primary liaison between the Members, the Board, and Council;
- (iii) prepare a report for City for all Boards, which may include:
 - (a) recommendations to Council for new appointments or reappointments; and
 - (b) any other information or opinions requested or required by 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 shall by resolution set the level of remuneration and rate of reimbursement for expenses to be paid to Members.

11. FILING FEE

The fees for filing each Complaint shall be as determined by the *Matters Relating to Assessment Complaints Regulation*, Schedule 2, and subsequently approved annually by Council in the City's Fees and Charges Bylaw as amended, repealed or replaced from time to time.

12. REFUND OF FILING FEE

The City shall refund any fee paid under Section 12 as required by the *Matters Relating to Assessment Complaints Regulation*.

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 shall 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 OF BYLAW

Upon third reading of Bylaw C8-20, Bylaw C14-10 and any amendments thereto are hereby repealed.

17. EFFECTIVE DATE

This Bylaw becomes effective upon third and final reading.

READ a first time this	11 th	day of	February	A.D., 2020
READ a second time this	11 th	day of	February	A.D., 2020
READ a third time and finally passed this	11 th	day of	February	A.D., 2020


MAYOR


ACTING DIRECTOR, LEGISLATIVE SERVICES

Date Signed: February 12, 2020