

BYLAW NO. 2020-699

A BYLAW OF THE TOWN OF VIKING TO REPEAL BYLAW 2010-622 AND ESTABLISH AN INTERMUNICIPAL ASSESSMENT REVIEW BOARD

WHEREAS pursuant to Section 454 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 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 prescribe their terms of office, remuneration, and expenses payable to each appointed member;

AND WHEREAS pursuant to Sections 454.1 and 454.2 of the *Municipal Government Act*, Council must designate one of the members as chair of the assessment review boards and prescribe the term of office, remuneration, and expenses payable to the chair;

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

AND WHEREAS pursuant to Section 455(1) of the *Municipal Government Act*, Council may jointly agree to establish the assessment review boards to have jurisdiction in their municipalities;

AND WHEREAS the Council of The Town of Viking deems it desirable to establish intermunicipal assessment review boards to hear complaints of matters shown on an assessment notice or tax notice other than a property tax notice, within Beaver County, the Town of Tofield, the Village of Ryley, the Village of Holden, and the Town of Viking;

NOW THEREFORE the Council of THE Town of Viking, duly assembled, hereby enacts as follows:

Short Title

1. This Bylaw may be cited as the "Joint Assessment Review Board Bylaw".

Definitions

2. In this Bylaw, the following terms will have the following meanings:
 - a) "Act" means the *Municipal Government Act*, Chapter M-26, 2000, as amended.
 - b) "Board" or "Intermunicipal Assessment Review Board" means the Intermunicipal Local Assessment Review Board, the Intermunicipal Composite Assessment Review Board, or both, as the context requires.
 - c) "Chair" means the person designated by the Councils to carry out the powers, duties, and functions of the Chair of the Board as prescribed by the Councils. The Chair will be one of the Public-at-Large Members.
 - d) "Clerk" or "Intermunicipal Assessment Review Board Clerk" means the person appointed by the Councils to carry out the powers, duties, and functions of the Assessment Review Board Clerk pursuant to the Act.
 - e) "Complaint" means a complaint under Part 11 of the Act.

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Intermunicipal Assessment Review Board



- f) "Council" means Beaver County Council.
- g) "Councils" means collectively the Councils of Beaver County, the Town of Tofield, the Village of Ryley, the Village of Holden, and the Town of Viking.
- h) "Member" means an individual appointed under this Bylaw as a member of the Board;
- i) "Minister" means the Minister determined by the Province of Alberta to be responsible for the Act.
- j) "Municipality" or "Municipalities" means individually or collectively as the context requires, Beaver County, the Town of Tofield, Village of Ryley, Village of Holden, and the Town of Viking.
- k) "Provincial Member" means a member of the Intermunicipal Composite Assessment Review Board appointed by the Minister.
- l) "Public-at-Large Member" means a person who is a resident of either Beaver County, the Towns of Tofield or Viking, or the Villages of Ryley or Holden, and who is not a member of the Councils nor a municipal employee, and is not otherwise disqualified as a Member of the Board pursuant to the Act;

Establishment of the Intermunicipal Local Assessment Review Board

- 3. The Intermunicipal Local Assessment Review Board is hereby established and will consist of at least three (3) Public-at-Large Members appointed by the Councils.
- 4. The term of office for Public-at-Large Members appointed to the Board is one (1), two (2), or three (3) years, at the Councils' discretion. Terms of office may be staggered to enable consistency of membership and experience on the Board.
- 5. Appointments may be renewed by the Councils at their discretion.
- 6. The Councils may rescind the appointment of a Public-at-Large Member at any time.
- 7. In the event of a vacancy on the Board, the Councils may, by resolution, appoint a new Public-at-Large Member to serve for the remainder of the term of the vacating Member.
- 8. The Councils may appoint the same persons who serve as Members of the Intermunicipal Local Assessment Review Board to the Intermunicipal Composite Assessment Review Board, and to the Intermunicipal Subdivision and Development Appeal Board.
- 9. Upon appointment, each Public-at-Large Member of the Board must successfully complete the training prescribed by the Minister prior to participating in a hearing.
- 10. A majority of the Public-at-Large Members of the Board constitutes a quorum on a panel of the Board, except where the Act provides otherwise.
- 11. A panel of a Board must choose a Presiding Officer amongst themselves.

Establishment of the Intermunicipal Composite Assessment Appeal Board



12. The Intermunicipal Composite Assessment Appeal Board is hereby established and will consist of at least two (2) Public-at-Large Members appointed by the Councils and one (1) Provincial Member appointed by the Minister.
13. The term of office for Public-at-Large Members appointed to the Board is one (1), two (2), or three (3) years, at the Councils' discretion. Terms of office may be staggered to enable consistency of membership and experience on the Board.
14. Appointments may be renewed by the Councils at their discretion.
15. The Councils may rescind the appointment of a Public-at-Large Member at any time.
16. In the event of a vacancy on the Board, the Councils may, by resolution, appoint a new Public-at-Large Member to serve for the remainder of the term of the vacating Member.
17. The Councils may appoint the same persons who serve as Members of the Intermunicipal Composite Assessment Review Board to the Intermunicipal Local Assessment Review Board, and to the Intermunicipal Subdivision and Development Appeal Board.
18. Upon appointment, each Public-at-Large Member of the Board must successfully complete the training prescribed by the Minister prior to participating in a hearing.
19. The Provincial Member plus one other Public-at-Large Member of the Board constitute a quorum on a panel of the Board, except where the Act provides otherwise.
20. The Provincial Member is the Presiding Officer for every panel of the Board.

Chair of the Board

21. The Chair will be one Member of the Board appointed by the Councils, and the Chair may delegate any of the powers, duties, or functions of the Chair to any other Member, with the exception of the Provincial Member.
22. The Chair is a Member of the Board for purposes of carrying out the Chair's duties under the Act.
23. The term of office of the Chair is at the pleasure of the Councils and the designated person may be removed at any time by resolution of the Councils.
24. The powers, duties, and functions of the Chair are limited to the following:
 - a) Convene a panel of one (1) Public-at-Large Member to hear a Complaint of the Board, other than an assessment Complaint, pursuant to the Act,
 - b) Convene a panel of three (3) Public-at-Large Members to hear a Complaint to the Local Assessment Review Board,
 - c) Convene a panel of two (2) Public-at-Large Members and the Provincial Member to hear a Complaint to the Composite Assessment Review Board.
 - d) Determine the location of the hearing for multiple Complaints.
 - e) Call a meeting of the Board in accordance with Policy.

Clerk of the Board

25. The position of Intermunicipal Assessment Review Board Clerk is hereby established and will act as Clerk for both the Intermunicipal Local Assessment Review Board and the Intermunicipal Composite Assessment Review Board.
26. The Councils will designate a municipal employee to serve as the Clerk.
27. The Clerk may not be an assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under the Act.
28. Upon appointment, the Clerk must successfully complete the training prescribed by the Minister prior to undertaking the Clerk's duties.
29. The Clerk will not receive any additional remuneration, other than their salary as a municipal employee.
30. The Clerk's duties consist of those set out in the Act and this Bylaw, and to provide administrative support to the Board. The Clerk may, at the request of the Presiding Officer,
 - a) Prepare the decision or order of the Board and the reasons for the decision or order in compliance with the Act, and/or
 - b) Sign orders, decisions, and documents issued by the Board.
31. The Clerk will return all documents related to the hearing to the Municipality from which the Complaint originated for proper storage, custody, and control in accordance with the *Freedom of Information and Protection of Privacy Act*.
32. The Clerk may retain and instruct independent legal counsel for the Board when required.

Remuneration of the Chair and Board Members

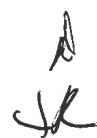
33. Members of the Board will receive remuneration for attendance at required training, adjudicating at hearings, reviewing Board decisions, and necessary travel, accommodation, and meal expenses related to Board duties. Rates of remuneration will be established by resolution of the Councils from time to time.
34. Members of the Board will receive remuneration for attendance at meetings, other than hearings, at a rate established by resolution of the Councils from time to time.
35. The Chair will receive remuneration at a rate established by resolution of the Councils from time to time.
36. The Provincial Member will receive reimbursement for any additional expenses incurred at the rates prescribed by the Province.

Rules of Hearings

37. The Board will conduct hearings in accordance with the express provisions of the Act and related Regulations, principles of natural justice and procedural fairness, and policies and procedures approved by the Councils.

Sharing of Board Costs

38. The Municipalities will share equally, the cost of Member and Clerk training.



- 39. The Board may hold special meetings (e.g. orientation, policy development, hearing reviews, etc.), in which case, the Municipalities will share equally, the cost of such meetings.
- 40. The Municipality from which the Complaint originated will pay 100% of the cost of the hearing, and the cost of preparing for and attending a judicial appeal, including legal fees.
- 41. When a hearing includes Complaints from multiple Municipalities, the cost of the hearing will be shared proportionately amongst the Municipalities from which the Complaints originated.

Severability

- 42. 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.

Repeal

- 43. Bylaw 2010-622, the Joint Assessment Review Board Bylaw, is hereby repealed.


In Force

- 44. This Bylaw will come into full force and effect on the day of third and final reading.
- 45. Council may withdraw from participation in the Intermunicipal Assessment Review Board upon giving three (3) months' written notice to each Municipality and following repeal of this Bylaw.

READ A FIRST TIME this 16th day of November, 2020.

READ A SECOND TIME this 16th day of November, 2020.

READ A THIRD AND FINAL TIME this 16th day of November, 2020.



MAYOR



CHIEF ADMINISTRATIVE OFFICER