Bylaw 732

Joint Assessment Review Boards Bylaw

BEING A BYLAW OF THE TOWN OF WEMBLEY IN THE PROVINCE OF ALBERTA TO ESTABLISH JOINT ASSESSMENT REVIEW BOARDS FOR THE COUNTY OF GRANDE PRAIRIE NO.1, TOWN OF WEMBLEY, TOWN OF SEXSMITH, TOWN OF BEAVERLODGE, AND VILLAGE OF HYTHE.

WHEREAS Section 455 of the *Municipal Government Act*, RSA 2000, c. M-26 as amended, authorizes two or more municipal councils to agree to jointly establish the local assessment review board or the composite assessment review board or both to have jurisdiction in their municipalities;

AND WHEREAS the Council of the Town of Wembley deems it necessary to establish a joint local assessment review board and a joint composite assessment review board to hear assessment appeals within the municipal boundaries of the County of Grande Prairie No.1, Town of Wembley, Town of Sexsmith, Town of Beaverlodge, and Village of Hythe;

NOW THEREFORE the Council of the Town of Wembley duly assembled hereby enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the "Joint Assessment Review Boards Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, unless the context otherwise requires, the following definitions apply:

a. "Joint Assessment Review Boards" means the Joint Local Assessment Review Board and the Joint Composite Assessment Review Board;

b. "Clerk" means the designated officer appointed as the clerk of the Joint Assessment Review Boards in accordance with section 456 of the *Municipal Government Act*;

c. "County" means the County of Grande Prairie No.1;

d. "Joint Composite Assessment Review Board" means a board established to hear and make decisions on complaints about any matter referenced in section 460.1(2) of the *Municipal Government Act*;

e. "Joint Local Assessment Review Board" means a board established to hear and make decisions on complaints about any matter referenced in section 460.1(1) of the *Municipal Government Act*;

f. "Member" means a member of the Joint Assessment Review Boards as appointed by Council for the County of Grande Prairie No.1;

g. "*Municipal Government Act*" means the Municipal Government Act, RSA 2000, c M-26, as amended from time to time;

h. "Participating Municipalities" means the County of Grande Prairie No.1, the Town of Wembley, the Town of Sexsmith, the Town of Beaverlodge, and the Village of Hythe; and

i. "Regulations" means the Matters Relating to Assessment Complaints Regulation, 2018 Alta Reg 201/2017, the Matters Relating to Assessment Complaints Regulations, Alta Reg 310/2009, and any other applicable regulations established under the *Municipal Government Act*.

3. ESTABLISHMENT

3.1. The Councils of the Participating Municipalities hereby jointly establish a Joint Local Assessment Review Board to exercise the functions of a Local Assessment Review Board in their municipalities.

3.2. The Joint Local Assessment Review Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of the Participating Municipalities.

3.3. The Councils of the Participating Municipalities hereby jointly establish a Joint Composite Assessment Review Board to exercise the functions of a Composite Assessment Review Board in their municipalities.

3.4. The Joint Composite Assessment Review Board shall have jurisdiction to exercise the functions of a Composite Assessment Review Board under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of the Participating Municipalities.

3.5. The Joint Assessment Review Boards shall adhere to the Joint Assessment Review Board Procedures as set out in Schedule "A".

4. MEMBERSHIP

4.1. The Joint Assessment Review Boards shall consist of up to eight (8) Members, with a maximum of four (4) Councillors from the participating municipalities, appointed by resolution of the Council for the County of Grande Prairie at its Annual Organizational Meeting. Members shall be appointed for a three-year term and in a manner that the expiry dates of their appointments are staggered.

4.2. All Members must meet the qualifications prescribed in the *Municipal Government Act* and the Regulations.

4.3. All Members shall be considered jointly appointed to both the Joint Local Assessment Review Board and the Joint Composite Assessment Review Board.

4.4. The County shall make reasonable efforts to attract candidates and appoint Members who are resident in each of the Participating Municipalities. Notwithstanding the foregoing, Council for the County may appoint a Member who is not a resident of any of the Participating Municipalities if:

4.4.1. Council for the County does not receive a sufficient number of applications from candidates who are residents of the Participating Municipalities;

4.4.2. In the opinion of Council for the County, the Member has particular qualifications, skills or experience which will assist the Joint Assessment Review Boards in determining appeals before them.

4.5. Up to three (3) Members may be appointed by resolution of Council for the County as alternate Members to fill a vacancy on the Board caused by an absence, retirement or resignation of a member at large, to allow the Joint Assessment Review Boards to continue to conduct business to ensure quorum requirements are fulfilled.

4.6. No person shall be appointed as a Member of the Joint Assessment Review Boards who is:

4.6.1. An employee of a Participating Municipality;

4.6.2. An assessor on behalf of a Participating Municipality;

4.6.3. A designated officer having authority to grant or cancel tax exemptions or deferrals under the *Municipal Government Act*;

4.7. A person who regularly acts for assessed persons or taxpayers during the assessment complaint process or at hearings before a panel of any assessment review board or the Municipal Government Board; or

4.8. Council for the County may, by resolution, remove a Member from the Joint Assessment Review Boards at any time if:

4.8.1. In the opinion of Council for the County, a Member is not performing their duties satisfactorily in accordance with this Bylaw and the Act; or

4.8.2. A member is absent for more than three (3) consecutive meetings of the Joint Assessment Review Boards without adequate excuse.

4.9. In the event Council for the County is considering the removal of a Member, Council for the County shall provide the Member or the Member's representative a reasonable opportunity to be heard by Council for the County and thereafter provide the Member with a decision in writing with reasons.

4.10. Council for the County may, by resolution, appoint additional Members to the Joint Assessment Review Boards for a specific term of up to six (6) months, as the Council for the County sees fit to ensure the Joint Assessment Review Boards will have a quorum for a hearing.

4.11. Members shall adhere to the Member Rules of Conduct as set out in Schedule "B" to this Bylaw.

4.12. Any Member may resign as a Member of the Joint Assessment Review Boards by sending written notice to Council for the County.

4.13. Before participating in a hearing before the Joint Assessment Review Boards all Members are required to complete the training requirements defined in the *Municipal Government Act* and the Regulations.

4.14. At the discretion of the County, Members must participate in any training offered by the Participating Municipalities or the Province, to assist them in carrying out their duties as Members of the Joint Assessment Review Boards.

5. CHAIR

5.1. The Chair of the Joint Assessment Review Boards shall be appointed by resolution of the Councils of the Participating Municipalities at their respective Annual Organizational Meetings for a one year term.

5.2. The Chair of the Joint Assessment Review Boards shall be jointly appointed as the Chair of the Joint Local Assessment Review Board and the Joint Composite Assessment Review Board.

5.3. The Chair may delegate those powers, duties or functions of the Chair to another Member but not a provincial Member of a panel of the Joint Composite Assessment Review Board.

5.4. In addition to any other duties and functions prescribed in the *Municipal Government Act* or the Regulations, the Chair:

5.4.1. When a hearing is to be held, shall convene a panel to hear the appeal in accordance with the *Municipal Government Act*;

5.4.2. Shall ensure that all Joint Assessment Review Board hearings are conducted in a fair and impartial manner, in accordance with the rules for such hearings as set out in the *Municipal Government Act* and the rules of natural justice;

5.4.3. Is authorized to rule that evidence presented at a hearing is irrelevant to the matter at issue and may direct the Members to disregard the evidence;

5.4.4. May limit a submission if he determines it to be repetitious.

6. QUORUM

6.1. Where a panel of the Joint Composite Assessment Review Board consists of three (3) Members, a quorum is two (2) Members, one (1) of whom must be a provincial Member.

6.2. Where a panel of the Joint Local Assessment Review Board consists of three (3) Members, a quorum is two (2) Members.

7. CLERK

7.1. The Clerk shall be appointed by resolution of the Councils of the Participating Municipalities at their respective Annual Organization Meeting.

7.2. The responsibilities of the Clerk are as follows:

7.2.1. Ensure all statutory requirements of the Joint Assessment Review Boards are met;

7.2.2. Inform all affected parties of the appeal hearing in accordance with the *Municipal Government Act*;

7.2.3. Inform all statutory parties of the appeal hearing in accordance with the *Municipal Government Act*;

7.2.4. Compile all necessary documentation for distribution to the Members;

7.2.5. Attend all hearings of the Joint Assessment Review Boards;

7.2.6. Provide services for the recording of proceedings of the Joint Assessment Review Boards and for retention of exhibits, including all written submissions to the Joint Assessment Review Boards;

7.2.7. Prepare the minutes for hearings of the Joint Assessment Review Boards, including the names and addresses of all parties making representations to the Joint Assessment Review Boards;

7.2.8. Communicate decisions of the Joint Assessment Review Boards to the affected parties in accordance with the *Municipal Government Act*; and

7.2.9. Such other matters as the Joint Assessment Review Boards may direct.

8. DECISIONS

8.1. Only Members present for the entire hearing shall participate in the making of a decision on any matter before the Joint Assessment Review Boards.

8.2. The decision of the majority of Members present at the meeting shall be deemed to be the decision of the Joint Local Assessment Review Board or Joint Composite Assessment Review Board, as the case may be.

9. MEMBER RENUMERATION

9.1. Members and the Chair shall be entitled to such renumeration as may be fixed from time to time by the Council for the County.

10. GENERAL

10.1. Joint Assessment Review Board hearings will be held at the County Administration Building, or other location as provided in the Notice of Hearing.

10.2. The County will provide the administrative resources for Joint Assessment Review Board hearings.

11. COSTS

11.1. The fee for an appeal will be the fee as set by the Council for the County from time to time (the "Appeal Fee"). A refund of the Appeal Fee may be granted by the County if a withdrawal is received in writing and has been delivered to the Clerk prior to notifications of the appeal hearing being sent out.

11.2. All costs and expenses incurred by the Joint Assessment Review Boards, including the costs of holding the hearing and any legal or other fees incurred by the Joint Assessment Review Boards shall be paid by the respective Participating Municipality to the County on a cost-recovery basis, with the Appeal Fee applied to offset the cost.

11.3. Notwithstanding the foregoing, the County will not offset the costs of holding the hearing so as to pay any portion of the Appeal Fee to the respective Participating Municipality.

11.4. Costs and expenses incurred by Members to complete the training requirements as prescribed by the *Municipal Government Act* and the Regulations shall be paid by the County in accordance with the County's renumeration policy for board members.

12. GENERAL PROVISIONS

12.1. Bylaw 720 and all amendments thereto are hereby repealed.

12.2. Should any provisions of this Bylaw become invalid, void, illegal or otherwise unenforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provisions had not been invalid.

12.3. This Bylaw shall come into force and effect upon the date it is passed.

Read a FIRST time this ____ Day of _____2020.

Read a SECOND time this ____ Day of _____2020.

Read a THIRD and FINAL time this ____ Day of _____2020.

_____	_____
MAYOR – Chris Turnmire	CAO – Noreen Zhang

ATTACHMENTS:
Schedule "A" – Joint Assessment Review Board Procedures
Schedule "B" – Member Rules of Conduct

SCHEDULE 'A'

JOINT ASSESSMENT REVIEW BOARD PROCEDURES

1. APPEAL HEARINGS

1.1. The Joint Assessment Review Boards shall give notice of the hearing in accordance with the *Municipal Government Act*.

1.2. The Joint Assessment Review Boards shall make available for public inspection prior to the hearing all relevant documents and materials respecting the appeal in accordance with the *Municipal Government Act*.

1.3. The Joint Assessment Review Boards shall hear from parties in accordance with the *Municipal Government Act*.

1.4. The Joint Assessment Review Boards shall hear appeals in public, but it may at any time recess and deliberate in camera.

1.5. Electronic or similar recording devices shall not be used during the hearing by anyone in attendance except the Clerk.

1.6. The Joint Assessment Review Boards shall make and keep a written record of its proceeding which may be in the form of a summary of the evidence at the hearing.

1.7. The Joint Assessment Review Boards shall give a written decision together with the reasons for the decision in accordance with the *Municipal Government Act*.

2. CONDUCT AT HEARINGS

2.1. Members of the public in attendance at a hearing:

2.1.1. Shall address the Joint Local Assessment Review Board or Joint Composite Assessment Review Board, as the case may be, through the Chair;

2.1.2. Shall maintain order and quiet; and

2.1.3. Shall not applaud or otherwise interrupt any speech or action of the Members of any other person addressing the Joint Local Assessment Review Board or Joint Composite Assessment Review Board, as the case may be.

2.2. The Chair may order a member of the public who disturbs or acts improperly at a hearing by words or actions be expelled. The Chair may request the assistance from a Peace Officer to remove the person.

SCHEDULE 'B'
MEMBER RULES OF CONDUCT

1. PECUNIARY INTEREST

1.1. A Member of the Joint Assessment Review Boards must not hear or vote on any decision that relates to a matter in respect of which the Member has a pecuniary interest.

1.2. A Member has a pecuniary interest in a matter to the same extent that a councilor would have a pecuniary interest in the matter as determined in accordance with section 170 of the *Municipal Government Act*.

1.3. If a Member is appointed to a panel hearing a complaint and discovers during the complaint hearing that they have a pecuniary interest in the matter before the panel, the Members shall immediately disclose their pecuniary interest, and shall immediately recuse themselves from the proceedings. If the panel still has quorum as defined in this bylaw and the *Municipal Government Act* after the Member's recusal, it may continue to hear the appeal. If the panel does not have quorum as defined in this bylaw and the *Municipal Government Act* after the Member's recusal, the panel must cease the hearing, and a new panel be appointed to hear the appeal.

2. CONFLICT OF INTEREST

2.1. Where a Member of the Joint Assessment Review Boards is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member must absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:

2.1.1. Declared a conflict of interest; and

2.1.2. Describes in general terms the nature of the conflict of interest.

2.2. The Clerk shall cause a record to be made in the Minutes of the Member's absence and the reasons for it.

2.3. If a Member is appointed to a panel hearing a complaint, and discovers during the complaint hearing that they have a conflict of interest in the matter before the panel, the Member shall immediately disclose that they are in a conflict of interest and shall immediately recuse themselves from the proceedings. If the panel still has a quorum as defined in this bylaw and the Municipal Government Act after the Member's recusal, it may continue to hear the appeal. If the panel foes not have quorum as defined in this bylaw and the Municipal Government Act after the Member's recusal, the panel must cease the hearing, and a new panel be appointed to hear the appeal.

2.4. For further clarity, a Member has a conflict of interest in respect of a matter before the Joint Assessment Review Boards when the member is of the opinion that:

2.4.1. 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

2.4.2. 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 the matter.

3. A MEMBER SHALL:

3.1. Not discuss any matter under appeal with any party to that appeal, outside of the formal hearing process;

3.2. Keep in camera discussions of the Joint Assessment Review Boards and legal advice provided to the Joint Assessment Review Boards confidential, except where required to disclose that information by law; and

3.3. Attend all Joint Assessment Review Boards hearings to which he has been assigned unless prior written consent has been received from the Chair.