

TOWN OF WEMBLEY
BYLAW 770
Joint Assessment Review Boards Bylaw

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, AND TOWN OF BEAVERLODGE.

WHEREAS: pursuant to Section 455 of the Municipal Government Act, RSA 2000, c. M-26 and amendments thereto, two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board or both to have jurisdiction in their municipalities;

WHEREAS: the Councils for the respective Municipalities have determined that it is appropriate 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, and Town of Beaverlodge;

NOW THEREFORE, under the authority of the Municipal Government Act, the Council of the Town of Wembley, in the Province of Alberta, hereby enacts as follows:

INTERPRETATION

1. This Bylaw shall be cited as the “Joint Assessment Review Boards Bylaw.”
2. Headings in this Bylaw are for reference purposes only.
3. Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.
4. Words in the singular shall include the plural or vice versa whenever the context so requires.

DEFINITIONS

5. Except as otherwise provided herein, words in this Bylaw shall have the meanings as prescribed in the Municipal Government Act.
6. In this Bylaw, unless the context otherwise requires:
 - 6.1 “Act” means the Municipal Government Act, RSA 2000, c M-26, and amendments thereto;
 - 6.2 “Clerk” means the person appointed by the Council of the County to act as Clerk

for the Joint Assessment Review Boards;

- 6.3 "County" means the County of Grande Prairie No.1;
- 6.4 "Joint Assessment Review Boards" means the Joint Local Assessment Review Board and the Joint Composite Assessment Review Board;
- 6.5 "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;
- 6.6 "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;
- 6.7 "Member" means a member of the Joint Assessment Review Boards as appointed by Council for the County of Grande Prairie No.1;
- 6.8 "Participating Municipalities" means the County of Grande Prairie No.1, the Town of Wembley, the Town of Sexsmith, and the Town of Beaverlodge; and
- 6.9 "Regulations" means the Matters Relating to Assessment Complaints Regulation, 2018 Alberta Regulation 201/2017, and any other applicable regulations established under the Municipal Government Act.

ESTABLISHMENT

- 7. 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.
- 8. The Joint Local Assessment Review Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board under the provisions of the Act in respect of assessment complaints made by taxpayers of the Participating Municipalities.
- 9. 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.
- 10. The Joint Composite Assessment Review Board shall have jurisdiction to exercise the functions of a Composite Assessment Review Board under the provisions of the Act in respect of assessment complaints made by taxpayers of the Participating Municipalities.

MEMBERSHIP

- 11. The Joint Assessment Review Boards shall consist of up to eight (8) Members from the Participating Municipalities, appointed by resolution of the Council for the County at its Annual Organizational Meeting. Members shall be appointed for a term of up to four (4) years and in a manner that the expiry dates of their appointments are staggered.
- 12. A written notice will be provided to the Administration of the Participating Municipalities (if any vacancy/vacancies were filled) with the names of the Members appointed following

- the County of Grande Prairie No. 1's annual Organizational Meeting.
13. All Members must meet the qualifications prescribed in the Act and the Regulations.
 14. All Members shall be considered jointly appointed to both the Joint Local Assessment Review Board and the Joint Composite Assessment Review Board.
 15. The County shall make reasonable efforts to attract candidates and appoint Members who are residents 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:
 - 15.1. Council for the County does not receive a sufficient number of applications from candidates who are residents of the Participating Municipalities;
 - 15.2. 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.
 16. 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 or to fill a vacancy on the Board caused by an absence, retirement or resignation of a Member, to allow the Joint Assessment Review Boards to continue to conduct business to ensure quorum requirements are fulfilled.
 17. No person shall be appointed as a Member of the Joint Assessment Review Boards who is:
 - 17.1. An employee of a Participating Municipality;
 - 17.2. An assessor on behalf of a Participating Municipality;
 - 17.3. A designated officer having authority to grant or cancel tax exemptions or *deferrals under the Act*;
 - 17.4. 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.
 18. Council for the County may, by resolution, remove a Member from the Joint Assessment Review Boards at any time if 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
 19. A Member is consistently unresponsive or unavailable to participate in a hearing in order for the Clerk to achieve quorum
 20. 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.
 21. Any Member of the Joint Assessment Review Boards may resign by sending written notice to Council for the County.

MEMBER RULES OF CONDUCT

22. 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.
23. A Member has a pecuniary interest in a matter to the same extent that a councillor would have a pecuniary interest in the matter as determined in accordance with section 170 of the Act.
24. 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 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 Act after the Member's recusal, the panel must cease the hearing, and a new panel be appointed to hear the appeal.
25. The Clerk shall cause a record to be made in the summary of the hearing of the Member's absence and the reasons for it.
26. Where a Member of the Joint Assessment Review Boards is of the opinion that they have a conflict of interest in respect of a matter before the Board, the Member must absent themselves from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the Member:
 - 26.1. Declared a conflict of interest; and
 - 26.2. Describes in general terms the nature of the conflict of interest.
27. 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 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 Act after the Member's recusal, the panel must cease the hearing, and a new panel be appointed to hear the appeal.
28. The Clerk shall cause a record to be made in the summary of the hearing of the Member's absence and the reasons for it.
29. 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:
 - 29.1. They have a personal interest in the matter which would conflict with their obligation as a Member to fairly consider the issue; or
 - 29.2. 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.

A MEMBER SHALL

30. Not discuss any matter under appeal with any party to that appeal, outside of the formal hearing process;
 - 30.1. Keep discussions of the Joint Assessment Review Boards held in Closed Session and legal advice provided to the Boards confidential, except where required to disclose that information by law; and
 - 30.2. Attend all Joint Assessment Review Boards hearings as assigned unless prior written notice has been received.
 - 30.3. Participate in the deliberation and decision making process on all matters to which they have been assigned and has attended the public hearing for.

PRESIDING OFFICER

31. Before the commencement of a Joint Local Assessment Review Board hearing, the Members shall elect from among themselves a Presiding Officer to preside over the hearing.
32. The Presiding Officer of the Joint Composite Assessment Review Board shall be the Provincial Member assigned by the Province for each hearing.
33. In addition to any other duties and functions prescribed in the Act or the Regulations, the Presiding Officer:
 - 33.1. Will preside over and be responsible for the conduct of hearings;
 - 33.2. Will sign orders, decisions and documents issued by the Board; and
 - 33.3. 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 Act and Regulations and the rules of natural justice;
 - 33.4. Is authorized to rule evidence presented at a hearing as irrelevant to the matter at issue and may direct the Members to disregard the evidence;
 - 33.5. Is authorized to accept evidence presented at a hearing if deemed relevant to the matter at issue;
 - 33.6. May limit a submission if it's determined to be repetitious.

QUORUM

34. 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.
35. Where a panel of the Joint Local Assessment Review Board consists of three (3) Members, a quorum is two (2) Members.

CLERK

36. The Clerk shall be appointed by resolution of the Councils of the Participating Municipalities at their respective Annual Organizational Meeting.
37. The responsibilities of the Clerk are as follows:
 - 37.1. Ensure all statutory requirements of the Joint Assessment Review Boards are met;
 - 37.2. Schedule Members to hear an appeal in accordance with the Act;
 - 37.3. Inform all parties of the appeal hearing in accordance with the Act;
 - 37.4. Compile all necessary documentation for distribution to the Members and parties;
 - 37.5. Attend all hearings of the Joint Assessment Review Boards;
 - 37.6. Provide services for the recording of proceedings of the Joint Assessment Review Boards and for retention of evidence, including all written submissions to the Joint Assessment Review Boards;
 - 37.7. Communicate decisions of the Joint Assessment Review Boards to all parties in accordance with the Act; and
 - 37.8. Such other matters as the Joint Assessment Review Boards may direct.

JOINT ASSESSMENT REVIEW BOARD PROCEDURES

APPEAL HEARINGS

38. The Joint Assessment Review Boards shall give notice of the hearing in accordance with the Act.
39. 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 Act.
40. The Joint Assessment Review Boards shall hear from parties in accordance with the Act.
41. The Joint Assessment Review Boards shall hear appeals in public, but it may at any time recess and deliberate in Closed Session.
42. Electronic or similar recording devices shall not be used during the hearing by anyone in attendance except the Clerk.
43. 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.
44. The Joint Assessment Review Boards shall give a written decision together with the reasons for the decision in accordance with the Act.

CONDUCT AT HEARING

45. Members of the public in attendance at a hearing:
 - 45.1. Shall address the Joint Local Assessment Review Board or Joint Composite Assessment Review Board through the Presiding Officer;

- 45.2. Shall maintain order and quiet; and
- 45.3. Shall not applaud or otherwise interrupt any speech or action of the Members or any other person addressing the Joint Local Assessment Review Board or Joint Composite Assessment Review Board.
- 45.4. The Presiding Officer may order a member of the public who disturbs or acts improperly at a hearing by words or actions be expelled. The Presiding Officer may request the assistance from a Peace Officer to remove the person.

MEMBER CONDUCT

- 46. A Member wishing to speak at a hearing shall obtain the approval of the Presiding Officer before speaking.
- 47. When a Member or member of the public is addressing the Presiding Officer, every other Member shall:
 - 47.1. Remain quiet and seated;
 - 47.2. Not interrupt the speaker except on a Point of Order;
 - 47.3. Not carry on a private conversation; and
 - 47.4. Not cross between the speaker and the Presiding Officer.

DECISIONS

- 48. Only Members present for the entire hearing shall participate in the making of a decision on any matter before the Joint Assessment Review Boards.
- 49. The decision of the majority of Members present at the hearing shall be deemed to be the decision of the Joint Local Assessment Review Board or Joint Composite Assessment Review Board. In the event of a tie vote, the appeal is lost.
- 50. The decision is not final and binding until the decision has been signed and given in writing in accordance with the Act.

MEMBER RENUMERATION

- 51. Members and the Presiding Officer shall be entitled to such remuneration as outlined in the County’s Policy F10 – Council and Board Member Honoraria & Expense Reimbursement.

GENERAL

- 52. Joint Assessment Review Board hearings will be held at the County Administration Building, or other location as provided in the Notice of Hearing.
- 53. The County will provide the administrative resources for Joint Assessment Review Board hearings.

COSTS

- 54. The fee for an appeal will be the fee as set in the County’s Schedule of Fees, Rates and Charges Bylaw. 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 and as per the Act.
- 55. 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 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.
- 56. 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.

SEVERABILITY

- 57. Every provision of this Bylaw is independent of all other provisions and if any provision is declared invalid by a Court, then the invalid provisions shall be severed and the remainder provisions shall remain valid and enforceable.

REPEAL

- 58. Bylaw 732 and amendments thereto are hereby rescinded.

EFFECTIVE DATE

- 59. This Bylaw shall come into force and effect on the third and final reading thereof.

Read for the FIRST time this 9th day of September 2024.

Read a SECOND time this 9th day of September 2024.

Read a THIRD time and finally passed this 9th day of September 2024.

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Kelly Peterson
Mayor

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Noreen Zhang
Chief Administrative Officer