

MOUNTAIN VIEW COUNTY
BYLAW NO. 10/20
REGIONAL ASSESSMENT REVIEW BOARD

**Mountain View County
Province of Alberta**

Bylaw No. 10/20

A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH THE CENTRAL ALBERTA REGIONAL ASSESSMENT REVIEW BOARD.

SECTION 1 - AUTHORITY

- 1.01 The Municipal Government Act, Chapter M-26 Statutes of Alberta 2000, and amendments under Section 455, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;
- 1.02 The City of Red Deer and the Partner Municipalities jointly wish to establish the Central Alberta Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the Municipal Government Act in respect of assessment complaints made by their respective taxpayers of a Partner Municipality.
- 1.03 This bylaw may be cited as the “Central Alberta Regional Assessment Review Board Bylaw”.

SECTION 2 - DEFINITIONS

- 2.01 Except as otherwise provided herein, words in the Bylaw shall have the meanings prescribed in section 453 of the Municipal Government Act.
- 2.02 In this bylaw the following terms shall have the meanings shown:
- a. **“Board”** means the Central Alberta Regional Assessment Review Board;
 - b. **“CARB”** means the Composite Assessment Review Board established and operating in accordance with the MGA that hears complaints on assessment noticed for property other than the property described in section 460.1 of the MGA;
 - c. **“Citizen-at-large”** means a person who does not represent a specific organization;
 - d. **“Designated Officer”** means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 456 of the Municipal Government Act;
 - e. **“LARB”** means the Local Assessment Review Board established and operating in accordance with the MGA who hears complaints about assessment notices for:
 - i. residential property with 3 or fewer dwelling units; or
 - ii. farmland, or;a tax notice other than a property tax notice, business tax notice or improvement tax notice.
 - f. **“Member”** means a member of the Central Alberta Regional Assessment Review Board;

- g. **“Minister”** means the Minister determined by the Province to be responsible for the Municipal Government Act;
- h. **“Partner Municipalities”** means all those municipalities who enter into an agreement with the City of Red Deer to jointly establish the Central Alberta Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;
- i. **“Provincial Member”** means a person appointed as a provincial member to a CARB by the Minister:

SECTION 3 – MEMBER MUNICIPALITIES

- 3.01 Mountain View County, the Partner Municipalities and the City of Red Deer hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities and those of the Partner Municipalities.
- 3.02 Each Partner Municipality is responsible for establishing filing fees and administering policies in respect of refunding filing fees in accordance with the Municipal Government Act and the Matters Relating to Assessment Complaints Regulation.

SECTION 4 - REGIONAL BOARD REVIEW COMMITTEE

- 4.01 The Regional Board Review Committee will consist of five (5) Administrators who volunteer from the Partner Municipalities.
- 4.02 The term for volunteer Regional Board Review Committee Members is one (1) year.
- 4.03 The Regional Board Review Committee may establish their own procedures to carry out their function, but in doing so, they shall have due regard for procedural fairness.
- 4.04 The Regional Board Review Committee:
 - a. Reviews applications from persons applying to be Members and makes recommendations to the Designated Officer concerning the appointment of Members from the applicants; and
 - b. May make recommendations to the Designated Officer concerning the revocation of appointment of a Member.

SECTION 5 – APPOINTMENT OF BOARD MEMBERS

- 5.01 The Designated Officer shall appoint not more than twenty (20) Citizens-at-large to be Members of the Regional Assessment Review Board.
- 5.02 The total number of Members shall be determined by the Designated Officer.

SECTION 6 - ESTABLISHMENT OF BOARDS

- 6.01 The following Central Alberta Regional Assessment Review Boards are established:
- a. A LARB that hears complaints referred to in Section 460.1 (1) of the Municipal Government Act; and
 - b. A CARB that hears complaints referred to in Section 460.1 (2) of the Municipal Government Act.

SECTION 7 - JURISDICTION OF THE BOARD

- 7.01 The Boards shall have jurisdiction to exercise the functions of a Local Assessment Review Board and the functions of a Compositive Assessment Review Board under the provisions of the MGA in respect of assessment complaints made by taxpayers of a Partner Municipality.

SECTION 8 - TERMS OF APPOINTMENTS

- 8.01 Unless otherwise stated, all Members are appointed for three (3) year terms.
- 8.02 If a vacancy on the Board occurs at any time the Regional Board Review Committee may recommend the appointment of a new person to fill the vacancy for the remainder of that term.
- 8.03 A Member may be re-appointed to the Board at the expiration of his/her term.
- 8.04 A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
- 8.05 The Designated Officer may remove a Member for cause or misconduct on the recommendation of the Regional Board Review Committee.
- 8.06 Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

SECTION 9 - REGIONAL ADVISORY GROUP

- 9.01 The Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Advisory Group Chair and up to 3 Vice Chairs;
- 9.02 The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:
- a. Assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
 - b. Evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
 - c. Ensure other Members are providing mentoring; and
 - d. Act as a liaison between the Members and the Designated Officer.

- 9.03 The duties of the Regional Advisory Group Chair include:
- a. Chairing meetings of the Regional Advisory Group;
 - b. Establishing agendas for the Regional Advisory Group meetings in consultation with the Designated Officer;
 - c. Liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Board;
 - d. Appointing a Regional Advisory Group member as Acting Chair of the Regional Advisory Group;
 - e. Signing correspondence on behalf of the Regional Advisory Group.
- 9.04 If the Regional Advisory Group Chair ceases to be a Member or is unable or unwilling to fulfill the Chair's duties, the Designated Officer may appoint one of the Vice Chair's to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

SECTION 10 – DESIGNATED OFFICER OF THE CENTRAL ALBERTA REGIONAL ASSESSMENT REVIEW BOARD

- 10.1 The position of Designated Officer of the Central Alberta Regional Assessment Review Board to carry out the duties and functions of the Assessment Review Board Clerk is established.
- 10.2 Mountain View County jointly appoints the City of Red Deer Legislative Services Manager as the Assessment Review Board Clerk of the Central Alberta Regional Assessment Review Board.
- 10.3 The salary of the Designated Officer will be made routinely available in the City of Red Deer annual Financial Statements.
- 10.4 The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- 10.5 The Designated Officer:
- a. Shall assist the Board in fulfilling its mandate;
 - b. May delegate to an employee, the duties and functions of the Assessment Review Board Clerk provided they have successfully completed the training as prescribed by the Minister;
 - c. Shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters;
 - d. Shall consult with the Regional Advisory Group and Members on matters affecting the Boards;
 - e. Shall issue instruction to independent legal counsel for the Boards when required;
 - f. May, at the request of a Presiding Officer of a panel of the Board sign orders, decisions and documents issued by the Board;

- g. May, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group;
- h. May set fees payable for persons to obtain copies of the Board's decisions and documents.

SECTION 11 - HEARINGS

- 11.01 Hearings will be held at such time and place as determined by the Designated Officer.
- 11.02 The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the Freedom of Information and Protection of Privacy Act and section 464.1 of the Municipal Government Act..

SECTION 12 - COMMENCEMENT OF COMPLAINTS

- 12.01 In accordance with the MGA, a taxpayer may commence an assessment complaint by:
 - a. mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the 'Matters Relating to Assessment Complaints Regulation', Alberta Regulation 201/2017 and within the time limits specified in the MGA; and
 - b. paying the applicable fee.

SECTION 13 - RULES OF ORDER

- 13.01 The Board will conduct hearings in accordance with:
 - a. the express provisions of the MGA and related regulations;
 - b. principles of natural justice and procedural fairness; and
 - c. policies and procedures approved by the Board.

SECTION 14 - NOTICE OF DECISIONS & RECORD OF HEARING

- 14.01 After the hearing of a complaint, the Designated Officer shall:
 - a. under direction of the Presiding Officer, assist with the preparation of the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - b. arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the MGA and the Regulations.
- 14.02 The Designated Officer will maintain a Record of Hearing in accordance with the MGA and the Regulations

SECTION 15 - DELEGATION OF AUTHORITY

- 15.01 In accordance with its authority under MGA, Council hereby delegates to the Designated Officer the authority to:

- a. appoint members to the Central Alberta Regional Assessment Review Board;
- b. jointly prescribe the remuneration and expenses payable to each Member of the Board.
- c. jointly appoint a Member as the Chair of the LARB and the CARB and prescribe the term of office and the remuneration and expenses, if any, payable to the Chair; and
- d. set fees payable by persons wishing to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

SECTION 16 - REIMBURSEMENT OF COSTS

16.01 Mountain View County shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board as set out in the agreement with the City of Red Deer.

SECTION 17 - REPEAL OF BYLAW

17.01 Bylaw No. 12/18 Assessment Review Board is hereby repealed.

SECTION 18 - EFFECTIVE DATE

18.01 This Bylaw shall come into effect at such time as it has received third (3rd) reading and has been signed in accordance with the *Municipal Government Act*.

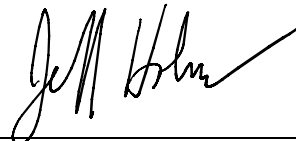
Read the first time this 13th day of May 2020.

Read the second time this 13th day of May 2020.

Read the third time this 13th day of May 2020.



Reeve



Chief Administrative Officer

May 13, 2020

Date of Signing