

Bylaw 13-712
MUNICIPAL DISTRICT OF GREENVIEW NO. 16

A BYLAW OF THE MUNICIPAL DISTRICT OF GREENVIEW NO. 16, IN THE PROVINCE OF ALBERTA, IN RELATION TO ASSESSMENT REVIEW BOARDS

1 Name

1.1 This Bylaw shall be called the “Assessment Review Board Bylaw”.

2 Definitions

2.1 Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in the Act.

2.2 In this Bylaw, the following definitions shall apply:

- a. “Act” means the *Municipal Government Act of Alberta*, RSA 2000, c.M-26, as amended and regulations passed under that Act;
- b. “Assessment Review Board” means both the Composite and Local Assessment Review Boards;
- c. “Assessment Review Board Clerk” means the person appointed to carry out the duties and functions of the clerk of the Assessment Review Board as required under section 455 of the Act and to appoint Members to the Assessment Review Board as delegated by Council.;
- d. “CARB” means the Composite Assessment Review Board established pursuant to this Bylaw and 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 Act as being within the jurisdiction of a CARB;
- e. “Council” means the Municipal District of Greenview No. 16 Council;
- f. “Elected Official” means a Councillor duly elected by the electors of a respective municipality in compliance with the rules and regulations of the *Local Authorities Election Act*;
- g. “Hearing” means the act of hosting a formal meeting by an officially constituted body to listen to evidence and pleadings initiated by a complainant;
- h. “LARB” means the Local Assessment Review Board established pursuant to this Bylaw having the jurisdiction to deal with the complaints arising from the assessment of residential property containing three (3) or fewer dwelling units,

farmland and such other matters as are set out in the Act as being within the jurisdiction of a LARB;

- i. “Member” means a member of the Assessment Review Board;
- j. “Provincial Member” means a Member of a Composite Assessment Review Board appointed by the Minister; and
- k. “Public Member” means a person appointed by the Assessment Review Board Clerk to be a Member.

3 Establishment and Appointment of the Assessment Review Board

- 3.1 The Assessment Review Board is hereby established.
- 3.2 The Assessment Review Board shall sit in panels to hear complaints as the nature of the complaint may permit or require and such panels shall be composed of:
 - a. when acting as a CARB, one Provincial Member and two Public Members appointed by the Assessment Review Board Clerk;
 - b. when acting as a LARB, three Public members appointed by the Assessment Review Board Clerk;
 - c. when acting as a one member CARB pursuant to the Act, one Provincial Member; or
 - d. when acting as a one member LARB pursuant to the Act, one Public Member appointed by the Assessment Review Board Clerk.
- 3.3 To be eligible to be appointed by the Assessment Review Board Clerk, all Public Members must successfully complete training as prescribed by the Minister.
- 3.4 Members of Council are not eligible to sit on the Assessment Review Board for complaints arising in the Municipal District of Greenview No. 16, but may be appointed by another municipality to its assessment review board in accordance with the other municipality’s process.
- 3.5 If a vacancy on the Assessment Review Board occurs, the Assessment Review Board Clerk may appoint a new Public Member.
- 3.6 Public Members shall be appointed for a three year term and may be re-appointed at the expiration of their term.
- 3.7 A Public Member may resign from the Board at any time on written notice to the Assessment Review Board Clerk.

4 Quorum

- 4.1 Two Public Members of a LARB constitute a quorum.

- 4.2 The Provincial Member and one Public Member constitute a quorum of a CARB.

5 Duties of the Assessment Review Board

- 5.1 The Assessment Review Board shall carry out the duties and responsibilities as set out in the Act.
- 5.2 All Members must vote on matters submitted to the panel of the Board unless otherwise disqualified.
- 5.3 The Board may determine its own procedures and make procedural rules in respect of matters not provided for in this Bylaw.

6 Chairperson

- 6.1 At the first meeting of a panel acting as a LARB, the Members must choose a Chairperson from among themselves.
- 6.2 For a panel acting as a CARB, the Provincial Member must be the Chairperson.
- 6.3 The Chairperson shall:
- a. preside over and be responsible for the conduct of meetings;
 - b. prepare and sign the decision in accordance with the Act.

7 Assessment Review Board Clerk

- 7.1 The Assessment Review Board Clerk must successfully complete training as prescribed by the Minister.
- 7.2 The Assessment Review Board Clerk shall be responsible for all duties imposed on the Assessment Review Board Clerk under the Act, and without limiting the generality of the foregoing, shall:
- a. assist the Board in fulfilling its mandate;
 - b. coordinate the remuneration and expenses payable to each member of the Board;
 - c. in consultation with the Chairperson, set a date, time and location for a hearing and notify all Members of the arrangements for the holding of each hearing and other meetings of the Assessment Review Board in accordance with the provisions of the Act; and
 - d. ensure that the notice period for informing all parties and persons involved is complied with as specified in the Act.

8 Designation of Authority

- 8.1 In accordance with its authority under section 203(1) of the Municipal Government Act, to delegate power, Council hereby delegates its authority to appoint members of the Assessment Review Board to the Assessment Review Board Clerk.

9 Meetings

- 9.1 Meetings shall be held at such time and place as determined by the Assessment Review Board.

10 Payment to the Assessment Review Board

- 10.1 Members shall receive honorariums for adjudicating at formally scheduled Hearings or taking appropriate training. Honorariums shall be paid in accordance with the rates set by Municipal District of Greenview No. 16 for Board and Committee Members.
- 10.2 Provincial Members shall receive reimbursement for all expenses incurred and at the rates prescribed by the Province.

11 Commencement of Appeals

- 11.1 A person may commence an assessment appeal by:
- a. mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the Act and within the time specified in the Act; and
 - b. paying the fee prescribed by Act and as set out in Schedule A to this Bylaw.

12 Severability

- 12.1 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.

13 Repeal

- 13.1 Bylaw 11-661 is hereby repealed in its entirety.

14 Interpretation

- 14.1 In this Bylaw, the words “shall” and “must” are to be construed as imperative. The word “may” is to be construed as permissive and empowering.

Read a first time this 29th day of October, 2013.

Read a second time this 26th day of November, 2013.

Read a third time and signed this 26th day of November, 2013.

(Signed original on file)
Reeve

(Signed original on file)
Chief Administrative Officer

Schedule A

Maximum ARB Complaint Registration Fees

Schedule 2
Complaint Fees

Category of Complaint	Complaint Fee
Residential 3 or fewer dwellings and farm land	\$ 50
Residential 4 or more dwellings	\$650
Non Residential	\$650
Business Tax	\$ 50
Tax Notices (other than Business Tax)	\$ 30
Linear property – Power Generation	\$650 per facility
Linear property – other	\$ 50 per LPUID
Equalized Assessment	\$650