

CITY OF ST. ALBERT

BYLAW 7/2010

Being a Bylaw to establish Assessment Review Boards.

WHEREAS the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, requires that Council establish assessment review boards to deal with complaints made about assessments; and

WHEREAS Council wishes to establish a number of assessment review boards; and

WHEREAS Council must appoint a Designated Officer to act as the Clerk of the Assessment Review Boards;

NOW THEREFORE the Municipal Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

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

Definitions

2. In this Bylaw:

- (a) "Act" means the Municipal Government Act, R.S.A. 2000, M-26, as amended and includes all regulations applicable to assessment, assessment complaints and the conduct of hearings by assessment review boards;
- (b) "Boards" means any two (2) or more of the Boards established pursuant to this Bylaw;
- (c) "City" means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;
- (d) "City Council" means the municipal council of the City of St. Albert;
- (e) "City Manager" means the chief administrative officer of the City of St. Albert;
- (f) "City Member" means any member of the Boards appointed under this Bylaw;
- (g) "Clerk" means the Clerk of the Assessment Review Boards appointed by the City Manager pursuant to this Bylaw;
- (h) "Composite Assessment Review Boards" or "CARBs" means the Boards established pursuant to this Bylaw 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;
- (i) "Designated Officer" means a Designated Officer as defined by the Act;
- (j) "Local Assessment Review Boards" or "LARBs" means the Boards 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;

- (k) "Mayor" means the chief elected official of the City;
- (l) "Minister" means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for the Act;
- (m) "One-member CARB" means a one member Board established pursuant to this Bylaw having the jurisdiction to deal with such matters as are set out in the Act as being within the jurisdiction of a One-member CARB;
- (n) "One-member LARB" means a one member Board established pursuant to this Bylaw having the jurisdiction to deal with such matters as are set out in the Act as being within the jurisdiction of a One-member LARB;
- (o) "Provincial Member" means a member appointed by the Minister to sit on a CARB established pursuant to this Bylaw.

Establishment of Boards

- 3. The following Assessment Review Boards are hereby established:
 - (a) Two (2) Composite Assessment Review Boards;
 - (b) Two (2) Local Assessment Review Boards;
 - (c) Four (1) One-member Composite Assessment Review Boards; and
 - (d) Six (1) One-member Local Assessment Review Boards.

Quorum

- 4. (1) The quorum for a LARB is two (2) City Members.
- (2) The quorum for a CARB is two (2) members and must include a Provincial Member.

Presiding Officer

- 5. (1) The Provincial Member shall be the presiding officer for a CARB.
- (2) The City Members of each LARB shall, prior to the commencement of the first hearing held before them in each calendar year, choose a presiding officer from among themselves.
- (3) The presiding officer so chosen will be the presiding officer for that LARB for all hearings held before that Board in that calendar year.
- (4) In the event that the presiding officer is unable to attend a scheduled hearing the members in attendance at that hearing shall choose a presiding officer from among themselves for the purposes of that hearing only.

Membership

- 6. (1) The following individuals may not be appointed as City Members of any of the Boards established under this Bylaw:

- (a) the Mayor;
 - (b) an assessor;
 - (c) an employee of the City; and
 - (d) an agent, being a person who, for a fee or potential fee, acts for an assessed person or taxpayer during the assessment complaint process or at a hearing before an assessment review board or the Municipal Government Board.
- (2) Council will, by resolution, appoint City Members as required to LARBs and CARBs when membership terms expire or as vacancies occur.
 - (3) Notwithstanding subsection 6(2) the City Manager shall appoint the initial City Members to the LARBs and CARBs established under this Bylaw. The term of the City Members appointed by the City Manager shall expire December 31, 2010.
 - (4) The term of membership for each City Member, appointed by Council, shall be three (3) years commencing as of January 1, of the effective year of appointment, unless otherwise specified by Council at the time of appointment.
 - (5) In the event of a vacancy, Council may appoint a new City Member to serve the remainder of the vacating City Member's term.
 - (6) Any City Member of any LARB or CARB may sit as a substitute for any other City Member unable to attend a scheduled hearing.
 - (7) A City Member may serve more than one (1) membership term but unless otherwise directed by City Council shall not serve more than six (6) consecutive years.

Training

7. City Members must successfully complete training, as prescribed by the Minister, prior to participating in a hearing.

Decisions

8. (1) Decisions of the Boards must be rendered in writing with reasons.
- (2) A decision of the Boards is not final until rendered in writing.

Procedures

9. (1) The provisions of Procedure Bylaw 35/2009 shall not apply to hearings of the Boards.
- (2) Hearings conducted by the Boards must be conducted in accordance with the express provisions of the Act.
- (3) Hearings before a LARB, a CARB, a One-member CARB or a One-member LARB shall be scheduled by the Clerk in accordance with the requirements of the Act.

Clerk of the Boards

10. (1) The position of Clerk of the Assessment Review Boards is hereby created as a Designated Officer of the City.
- (2) The Clerk shall not be an assessor.

- (3) The City Manager will, in writing, appoint an individual to the position of Clerk. The individual appointed as the Clerk must successfully complete training, as prescribed by the Minister, prior to commencing their duties as the Clerk.
- (4) The City Manager will establish the terms and conditions of the appointment of the Clerk.
- (5) The duties and responsibilities of the Clerk shall be as prescribed by the Act.
- (6) The Clerk may appoint an Acting Clerk to perform the duties and responsibilities of the Clerk in the Clerk's absence. The Acting Clerk shall not be an assessor. The person appointed as an Acting Clerk must successfully complete training, as prescribed by the Minister, prior to assuming the duties and responsibilities of the Clerk.

Complaint Fees

11. Fees for filing complaints shall be as set out in Master Rates Bylaw 1/82, as amended.

Transition

12. Bylaw 22/95 is hereby repealed.

READ a first time this 16th day of February, 2010

READ a second time this 16th day of February, 2010

READ a third and final time this 16th day of February, 2010

SIGNED AND PASSED this 16 day of February, 2010.


MAYOR


CHIEF LEGISLATIVE OFFICER