

# APPENDIX A

## BYLAW NO. 1875

A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE NO. 87, IN THE PROVINCE OF ALBERTA TO ESTABLISH JOINT ASSESSMENT REVIEW BOARDS WITH PARTNER MUNICIPALITIES HEREBY CITED AS THE JOINT ASSESSMENT REVIEW BOARDS BYLAW.

**WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council's power to pass a bylaw includes a power to amend or repeal a bylaw;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council must, by bylaw, establish a Local Assessment Review Board and Composite Assessment Review Board;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, two or more councils may jointly establish assessment review boards to have jurisdiction in their respective municipalities;

**AND WHEREAS**, the Municipal District of Bonnyville No. 87 and the Partner Municipalities wish to establish a Joint Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26 in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, where an assessment review board is jointly established, the Council's must jointly designate one of the board members as the chair of the Local Assessment Review Board and one of the board members as the chair of the Composite Assessment Review Board and must prescribe each chair's term of office and the remuneration and expenses, if any, payable to the chair;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, where an assessment review board is jointly established, the Council's must jointly appoint the Clerk of the assessment review boards;

**AND WHEREAS**, under the provisions of the Municipal Government Act, R.S.A 2000, Chapter M-26, and amendments thereto, a Council may set fees payable by persons wishing to make complaints or 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;

**NOW THEREFORE**, the Council of the Municipal District of Bonnyville No. 87, duly assembled in the Province of Alberta, hereby enacts the following:

### 1 DEFINITIONS

- 1.1 Except as otherwise provided for in this Bylaw, the terms used shall have the same meaning as defined or provided in the Act, including its regulations.
- 1.2 Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.

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- 1.3 Words in the singular shall include the plural or vice versa, whenever the context so requires.
- 1.4 In this Bylaw:
- (a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended, and the associated regulations;
  - (b) "Agreement for Joint Assessment Review Board Services" means the legal document signed by the Coordinator and Partner Municipalities to participate in the Joint Assessment Review Board;
  - (c) "Chief Administrative Officer" means the Chief Administrative Officer of the Coordinator and Partner Municipalities appointed by their respective Council, or their authorized delegate;
  - (d) "Coordinator" means the Municipal District of Bonnyville No. 87;
  - (e) "Council" means the duly elected Council of the Coordinator and Partner Municipalities;
  - (f) "Councillor" means a member of Council for the Coordinator and Partner Municipalities who is duly elected and continues to hold office including the Chief Elected Official;
  - (g) "Hearing" means a formal meeting hosted by a Joint Assessment Review Board for the purpose of hearing evidence and pleadings initiated by a complaint in accordance with the Act;
  - (h) "Member" means a person appointed to the Joint Assessment Review Board, including Councillors;
  - (i) "Panel" means the Members assigned to participate in a scheduled hearing;
  - (j) "Partner Municipality" means a municipality who enters into an Agreement for Joint Assessment Review Board Services and who enacts a bylaw substantially in the same form as this bylaw.

## 2 ESTABLISHMENT OF ASSESSMENT REVIEW BOARDS

- 2.1 The Coordinator and Partner Municipalities hereby jointly establish the Joint Assessment Review Board to exercise the functions of a Local Assessment Review Board and a Composite Assessment Review Board to have jurisdiction in their municipalities.
- 2.2 The following boards are hereby established:
- (a) Local Assessment Review Board; and
  - (b) Composite Assessment Review Board.

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- 2.3 The Joint Assessment Review Board shall adhere to the rules and procedures as outlined in an Agreement for Joint Assessment Review Board Services and may also establish any supplementary rules and procedures as deemed necessary for the conduct of its hearings and its business that remain consistent with provincial legislation and the Agreement for Joint Assessment Review Board Services.

### **3 APPOINTMENT AND MEMBERSHIP**

- 3.1 The Coordinator and Partner Municipalities will each select and appoint two (2) Members at Large and one (1) member of their respective Council as Members of the Joint Assessment Review Board through Council Resolution at their annual Organizational Meeting.
- 3.2 Notwithstanding Section 3.1 of this Bylaw, should a vacancy occur on the Joint Assessment Review Board, the municipality who appointed the individual will be required to appoint a new Member to fill the vacancy through Council Resolution as soon as practically possible.
- 3.3 Each Member's term appointment to the Joint Assessment Review Board shall be for a maximum for four (4) years.
- 3.4 Being a resident of the appointing municipality will not be a requirement to be eligible for appointment to the Joint Assessment Review Board by that municipality; and
- 3.5 Members of the Joint Assessment Review Board may be re-appointed upon expiry of their term at the pleasure of Council for the appointing municipality.
- 3.6 A Member may resign from the Board at any time upon written notice to the Chair and the Clerk.
- 3.7 Notwithstanding any other provision of this Bylaw, if a Member resigns or their term expires before a decision is issued on a complaint heard by the Member, the Member shall remain a duly appointed Member for the purpose of completing the hearing and issuing a decision on that complaint.

### **4 APPOINTMENT OF CHAIR**

- 4.1 The Coordinator and Partner Municipalities shall jointly appoint a Chair of the Local Assessment Review Board and Composite Assessment Review Board annually for a one-year term through Council Resolution at the first scheduled meeting of Council in the month of November.
- 4.2 Notwithstanding Section 4.1 of this Bylaw, should the position of Chair become vacant due to the individual no longer being a Member, the Councils of the Coordinator and Partner Municipalities shall jointly appoint a new Chair as soon as reasonably possible.
- 4.3 The duties of the Chair shall include:
- (a) Presiding over Joint Assessment Review Board general meetings;
  - (b) Convening a panel from the appointed Members to hear the complaint;

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- (c) Consulting with the Clerk;
- (d) Other such duties as required under the Act.

### **5 QUORUM**

- 5.1 Quorum for a Joint Assessment Review Board meeting shall consist of half of the appointed members plus one.
- 5.2 Quorum for a Local or Composite Assessment Review Board panel shall consist of the required number of Members as outlined in the Act depending on the conditions of the complaint filed and board hearing the complaint.
- 5.3 Where the Chair or Clerk determines that quorum can not be met for a scheduled hearing using appointed Members, the Chief Administrative Officer for the municipality whose jurisdiction the hearing falls within is authorized to appoint an Interim Member for that hearing.
  - (a) An Interim Member must currently sit on an existing Assessment Review Board in Alberta and the appointment shall be defined in writing and identify the specific hearing which the appointment is for.
- 5.4 For Local Assessment Review Board hearings, the Members appointed to the panel for a scheduled hearing shall choose a Presiding Officer from amongst themselves prior to the hearing commencing.
- 5.5 For Composite Assessment Review Board hearings, the Presiding Officer shall be the Provincial Member appointed to the panel, in accordance with the Act.

### **6 JOINT ASSESSMENT REVIEW BOARD CLERK**

- 6.1 The position of Joint Assessment Review Board Clerk is hereby established.
- 6.2 The Coordinator and Partner Municipalities hereby jointly appoint the Manager of Legislative and Information Services for the Coordinator to the position of Joint Assessment Review Board Clerk.
- 6.3 Should the position of Manager of Legislative and Information Services become vacant, the Chief Administrative Officer for the Coordinator is authorized to appoint a temporary Clerk until the Manager position is filled.
- 6.4 The Clerk is authorized to delegate any of the duties assigned to another person, at their discretion.
- 6.5 The duties of the Joint Assessment Review Board Clerk shall be as outlined in the Agreement for Joint Assessment Review Board Services.

### **7 JOINT ASSESSMENT REVIEW BOARD ASSISTANT CLERK**

- 7.1 The position of Joint Assessment Review Board Assistant Clerk is hereby established.

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- 7.2 The Partner Municipalities shall each appoint an Assistant Clerk to the Joint Assessment Review Board and notify the Coordinator in accordance with the Agreement for Joint Assessment Review Board Services.
- 7.3 The duties of the Joint Assessment Review Board Assistant Clerk shall be as outlined in the Agreement for Joint Assessment Review Board Services.

### **8 REMUNERATION**

- 8.1 Remuneration and expenses payable to each Member shall be in accordance with the Agreement for Joint Assessment Review Board Services.
- 8.2 Remuneration and expenses payable to the Clerk shall be their regular compensation in accordance with their employment contract.
- 8.3 Remuneration and expenses payable to the Chair shall be as follows:
  - (a) If a member of Council, their regular compensation in accordance with their role;  
or
  - (b) If a Member at Large, in accordance with the Agreement for Joint Assessment Review Board Services.

### **9 FEES**

- 9.1 The Coordinator and each Partner Municipality is responsible for establishing their own filing fees for complaints and procedures respecting the refund of filing fees in accordance with the Act.
- 9.2 A complaint submitted without the appropriate fee shall not be accepted.
- 9.3 Fees paid in accordance with Section 9.1 of this Bylaw shall be refunded to the applicant if a Panel's decision is in favor of the applicant.
  - (a) If an applicant has filed complaints for multiple parcels, the fees for each parcel shall only be refunded for those parcels in which the Panel's decision is in favor of the complainant.
- 9.4 Fees paid in accordance with Section 9.1 of this Bylaw will not be refunded to the complainant if:
  - (a) The complaint is withdrawn without an executed Agreement of Correction; or
  - (b) The decision of the Panel confirms the assessment.

### **10 REPEAL**

- 10.1 Upon third reading of Bylaw No. 1875, Bylaw No. 1325 and all amendments thereto are hereby repealed.

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10.2 Upon third reading of Bylaw No. 1875, Bylaw No. 1742 and all amendments thereto are hereby repealed.

10.3 Upon third reading of Bylaw No. 1875, Bylaw No. 1743 and all amendments thereto are hereby repealed.

**11 SEVERABILITY**

11.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw is deemed valid and enforceable.

**12 EFFECTIVE DATE**

12.1 That this Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

READ A FIRST TIME IN COUNCIL THIS 27<sup>th</sup> DAY OF AUGUST, 2024.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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REEVE

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CHIEF ADMINISTRATIVE OFFICER