

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW NO. 2015-28

**BEING A BYLAW OF PARKLAND COUNTY FOR THE PURPOSE OF ESTABLISHING
ASSESSMENT REVIEW BOARDS AND ESTABLISHING THE ASSESSMENT REVIEW
BOARD CLERK POSITION AS A DESIGNATED OFFICER**

WHEREAS pursuant to Section 454(1) of the *Municipal Government Act*, Chapter M-26, 2000, as amended, Council may by bylaw establish one or more local assessment review boards and one or more composite assessment review boards; and

WHEREAS pursuant to Sections 454.1 and 454.2 of the *Municipal Government Act*, Council must appoint the required number of persons to assessment review boards; and

WHEREAS pursuant to Section 455(1) of the *Municipal Government Act*, Council must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality and prescribe the remuneration and duties of that person; and

WHEREAS pursuant to section 203 of the *Municipal Government Act*, as amended, Council may by bylaw delegate powers, duties and functions to a designated officer; and

WHEREAS pursuant to section 210 of the *Municipal Government Act*, Council may establish a position to carry out the powers, duties and functions of a designated officer; and

WHEREAS Council of Parkland County wishes to pass a bylaw for the purpose of establishing a Local Assessment Review Board and a Composite Assessment Review Board, and to establish a position to carry out the powers, duties and functions of Assessment Review Board Clerk;

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby establishes a Local Assessment Appeal Board and a Composite Assessment Review Board to perform certain duties and responsibilities as set out in the *Municipal Government Act*, and enacts the following:

1. TITLE

This bylaw may be called the "Assessment Review Board Bylaw".

2. DEFINITIONS

- a) "Act" means the *Municipal Government Act*, R.S. 2000, c. M-26, as amended.
- b) "Assessment Review Board" means either the Local Assessment Review Board or the Composite Assessment Review Board.
- c) "Assessment Review Board Clerk" means the designated officer position that is designated by Council to carry out the powers, duties and functions of the Assessment Review Board Clerk, pursuant to the *Municipal Government Act* regarding Assessment Review Boards.
- d) "Board" means the Local Assessment Review Board when referenced under Section 5 of this bylaw, or the Composite Assessment Review Board when referenced under Section 6 of this bylaw.
- e) "Clerk" means Assessment Review Board Clerk.
- f) "Complaint" means a complaint under Part 11 of the *Municipal Government Act*.
- g) "Council" means the mayor and councillors of Parkland County duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- h) "County" means Parkland County.
- i) "Member" means an individual appointed under this bylaw as a member of the Assessment Review Board.
- j) "Minister" means the Minister determined by the Province of Alberta to be responsible for the Act.
- k) "Provincial member" means a member of the Composite Assessment Review Board appointed by the Minister of Municipal Affairs.

3. DESIGNATED POSITION

- a) The designated officer position of Assessment Review Board Clerk is hereby established.
- b) The Manager of Legislative and Administrative Services is designated as Clerk of the Local Assessment Review Board and the Composite Assessment Review Board, with no additional remuneration.
- c) The duties of the Clerk are those set out in the Act and any regulations thereto and this bylaw.
- d) The Clerk may delegate the administrative duties of this position to any County staff member or use a service provider under contract for the County, to provide administrative services to the County.

4. ADMINISTRATIVE SERVICES PROVIDER

- a) Parkland County may enter into an agreement for administrative services relating to Assessment Review Boards which would:
 - i. Provide an individual to be Deputy Assessment Review Board Clerk for the purpose of managing assessment complaints;
 - ii. Maintain a pool of members as approved by Council, sufficient to respond to Parkland County's requirements for Assessment Review Board hearings, from which the service provider will make final determination of which members of the pool will service on a particular Board;
 - iii. Provide a recording secretary to attend Assessment Review Board hearings to ensure that hearing proceedings are recorded and a copy of the proceeding is provided to the parties as required.

5. ESTABLISHMENT OF THE LOCAL ASSESSMENT REVIEW BOARD

- a) The Local Assessment Review Board is established and shall consist of three (3) members appointed by Council.
- b) The term of office for an appointed member is one (1) year. The term of membership shall commence on the date of appointment by Council. Adjustment of a period of appointment may be made as required by resolution of Council.
- c) Council may appoint the same persons who serve as members of the Composite Assessment Review Board to the Local Assessment Review Board.
- d) No Assessment Review Board member shall be a County employee.
- e) The chairperson of the Board is chosen annually by the members at the first meeting of the Board.
- f) In the absence of the chairperson or if the chairperson vacates the position, the members present must choose an acting chairperson to serve in this capacity during such absence or vacancy.
- g) A majority of the members of the Local Assessment Review Board constitutes a quorum.
- h) On being appointed, the member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

6. ESTABLISHMENT OF THE COMPOSITE ASSESSMENT APPEAL BOARD

- a) The Composite Assessment Appeal Board is established and shall consist of two (2) members appointed by Council, and one provincial member appointed by the Minister.
- b) The term of office for an appointed member is one (1) year. The term of membership shall commence on the date of appointment by Council. Adjustment of a period of appointment may be made as required by resolution of Council.
- c) Council may appoint the same persons who serve as members of the Local Assessment Review Board to the Composite Assessment Review Board.
- d) No Assessment Review Board member shall be a County employee.
- e) The chairperson of the Board must be the provincially appointed member.
- f) The provincial member and one other member of the Composite Assessment Review Board constitutes a quorum.
- g) On being appointed, the member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

7. FEES

- a) Council will set fees that must be paid to the municipality when a complaint is filed.
- b) The fee must be paid for the appeal to be filed.
- c) Fees must be refunded in accordance with Section 481 of the *Municipal Government Act*.
- d) The Clerk will make arrangements for issuing refunds of filing fees in accordance with the Act.
- e) The Clerk will issue instructions to independent legal counsel for the Boards when required.
- f) The Clerk may, at the request of the chairperson, sign orders, decisions and documents issued by the Board.

8. NOTICE OF DECISIONS AND RECORD OF HEARING

- a) After the hearing of a complaint, the Clerk or the Deputy Assessment Review Board Clerk, shall:
 - i. Under direction of the chairperson, prepare the decision or order of the Board and the reasons for the decision in compliance with the Act; and
 - ii. Arrange for the order and decision of the Board to be signed and distributed in accordance with the requirements under the Act.
- b) The Clerk will maintain a record of the hearing in accordance with the Act.

9. RULES OF ORDER

- a) The Board will conduct hearings in accordance with:
 - i. The express provisions of the Act and related regulations;
 - ii. Principles of natural justice and procedural fairness; and
 - iii. Policies and procedures approved by Parkland County.

10. COMING INTO FORCE AND REPEAL


- a) Should any provision of this bylaw be deemed to be invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- b) Bylaw No. 2014-16 and Bylaw No. 2014-17 are hereby repealed.
- c) This bylaw is effective January 1, 2016.
- d) This bylaw shall come into force on the day of third reading and signing thereof.

READ A FIRST time this 13th day of October, 2015.

READ A SECOND time this 13th day of October, 2015.

READ A THIRD AND FINAL time this 13th day of October, 2015.


MAYOR


MANAGER OF LEGISLATIVE AND ADMINISTRATIVE
SERVICES