

BYLAW NO. 1304/19

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH ASSESSMENT REVIEW BOARDS AND TO ENTER INTO AGREEMENTS TO PROVIDE ASSESSMENT REVIEW BOARD SERVICES TO OTHER MUNICIPALITIES.

WHEREAS Section 454 of the *Municipal Government Act, RSA 2000, Chapter M-26*, as amended (hereinafter referred to as the "Act") requires a Council to establish a local assessment review board and a composite assessment review board;

AND WHEREAS Section 455 of the Act, allows municipalities to establish joint assessment review boards to have jurisdiction in their municipalities; and

AND WHEREAS Section 54 of the Act allows a municipality to provide any service or thing that it provides in all or part of a municipality in another municipal authority with the agreement of the other municipality;

NOW THEREFORE the Council of Lacombe County in the Province of Alberta, duly assembled, hereby enacts the following:

1. TITLE

1.1 This Bylaw shall be known as the "Assessment Review Board Bylaw".

2. DEFINITIONS

2.1 Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Municipal Government Act, including its regulations.

2.2 In this Bylaw:

- (a) "Assessor" means the appointed Assessor for Lacombe County.
- (b) "CARB" means the Lacombe County Composite Assessment Review Board.
- (c) "Citizen-at-large" means a person who is not an appointed or elected official of Lacombe County.
- (d) "Clerk" means the person appointed for the County's local assessment review board or the composite assessment review board.
- (e) "Council" means the Council of Lacombe County.
- (f) "County" means Lacombe County.
- (g) "County Manager" means the Chief Administrative Officer for Lacombe County or his or her delegate.
- (h) "LARB" means the Lacombe County Local Assessment Review Board.
- (i) "Regulation" means the Matters Relating to Assessment Complaints Regulation.

3. JOINT ASSESSMENT REVIEW BOARD SERVICES

3.1 The County Manager is hereby authorized to enter into agreements with other municipalities to provide Assessment Review Board services.

3.2 An annual base fee and Board hearing fees in amounts set forth in the Assessment Review Board Services agreement shall be payable to the County by each municipality wishing to receive assessment review board services from the County.

3.3 Those municipalities receiving assessment review board services from the County shall:

- (a) appoint their own LARB and CARB Clerk; and
- (b) appoint, by council resolution, members identified by the County to their local LARB and CARB.

4. BOARD MEMBERSHIP

4.1 Council will appoint a minimum of 5 citizens at large as members of the LARB.

4.2 Council will appoint a minimum of 5 citizens at large as members of the CARB.

5. REMUNERATION

5.1 The honorarium and expenses of the members shall be established by resolution of Council from time to time.

6. TERM OF APPOINTMENT

6.1 Unless otherwise stated, all members are appointed for a two-year term by Council and may be reappointed upon the expiry of the term.

6.2 If a vacancy on the LARB or CARB occurs at any time, Council may appoint a new member to fill the vacancy for the remainder of that term.

6.3 Council may, by resolution, remove a member of the LARB or CARB at any time.

6.4 A member may resign from the LARB or CARB at any time by providing written notice to the Clerk.

7. BOARD CHAIRPERSON

7.1 Council shall designate one of the members appointed to the LARB as the chair of the LARB and must prescribe the chair's term of office.

7.2 The LARB chair may delegate to any other appointed LARB member any of the powers, duties or functions of the chair.

7.3 Council shall designate one of the members appointed to the CARB as the chair of the CARB and shall prescribe the chair's term of office.

7.4 The CARB chair may delegate to any other appointed CARB member any of the powers, duties or functions of the chair.

8. CLERK

8.1 The County Manager shall appoint a County employee as Clerk of the LARB and CARB.

8.2 In addition to duties prescribed by the Act the Clerk will:

- (a) provide administrative support to members and the chairperson, as required; and
- (b) provide any notices on behalf of the LARB and CARB.

9. PANELS

9.1 The LARB Chairperson shall appoint a LARB panel consisting of three members who will hear and decide matters in accordance with the Regulation.

9.2 The LARB Chairperson may appoint a one-member LARB panel to hear and decide matters in accordance with the Regulation.

9.3 The CARB Chairperson shall appoint a CARB panel consisting of three members who will hear and decide matters in accordance with the Regulation, as follows:

- (a) Two Citizens-at-large; and
- (b) One provincially appointed member who serves as the Chairperson.

9.4 The CARB Chairperson may appoint a one-member CARB panel to hear and decide matters in accordance with the Regulation.

10 PRESIDING OFFICER

- 10.1 In a three-member LARB panel, the members must choose a Presiding Officer from among themselves.
- 10.2 In a one-member LARB panel, that member is the Presiding Officer.
- 10.3 The provincial member is the Presiding Officer of every CARB panel.
- 10.4 The Presiding Officer:
 - (a) makes the introductory and closing comments;
 - (b) presides over and be responsible for the conduct of the meetings;
 - (c) delivers any procedural rulings after listening to the parties' submissions or objections regarding improper questioning;
 - (d) may limit a submission if it is determined to be repetitious or in any manner inappropriate;
 - (e) shall vote on matters submitted to the Panel unless otherwise disqualified, and;
 - (f) signs orders, decisions and documents issued by the Panel.

11 QUORUM AND MEETINGS

- 11.1 Two members of the LARB panel shall constitute a quorum except when sitting as a one-member panel.
- 11.2 The provincial member plus one other member shall constitute a quorum for the CARB panel except when sitting as a one-member panel.
- 11.3 A member of LARB or CARB panel, who for any reason, is unable to attend the entire hearing of an appeal, shall not participate in the deliberations or decision of the panel.
- 11.4 All members must vote on all matters before a convening panel unless a conflict of interest or pecuniary interest is declared.
- 11.5 The majority vote of those members present and voting constitutes a decision of the convening panel.
- 11.6 The Chair of the CARB and LARB is authorized to make procedural rules for:
 - (a) Those matters that are not governed by the Act or the Regulation; and
 - (b) The conduct of its meetings, its hearings, and its business that is consistent with the Act, the Regulation and this bylaw.
- 11.7 Meetings will be held at such time and place as determined by the Clerk.

12 CONFLICT OF INTEREST

- 12.1 Where a member of a convening panel believes he or she has a conflict of interest in respect of a matter before the panel, the member may absent himself or herself from the panel proceedings while that matter is being discussed, provided that prior to leaving the meeting the member:

- (a) Declares that he or she has a conflict of interest; and
- (b) Describes, in general terms, the nature of the conflict.

12.2 The Clerk shall cause a record to be made in the meeting minutes of the member's absence and the reasons for the absence.

12.3 For the purpose of this provision, a member has a conflict of interest in respect of a matter before a convening panel when he or she is of the opinion that:

- (a) He or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the matter; or
- (b) Substantial doubt to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

13 PECUNIARY INTEREST

13.1 The pecuniary interest provisions of the Act apply to all members of the LARB and CARB while attending panel hearings.

13.2 A member who fails to declare a pecuniary interest in a matter before a panel, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the respective LARB and/or CARB.

14 CODE OF ETHICS

14.1 All members of the LARB and CARB shall adhere to a Code of Ethics as outlined in Schedule "A", attached hereto and forming part of this bylaw.

15 DUTIES AND PURPOSE

15.1 The LARB and CARB has the authority to hear and decide on Complaints filed with respect to matters on a tax and assessment notice issued by the Assessor, in accordance with the provisions of the Act.

16 GENERAL AUTHORITY

16.1 No member has authority to:

- (a) pledge the credit or course of action of the County or enter into any agreement on behalf of the LARB, CARB, or the County;
- (b) authorize any expenditure to be charged against the County without prior approval of Council; or
- (c) act administratively except as delegated by the County's Chief Administrative Officer.

17 COMPLAINT FEES


17.1 Fees payable by persons wishing to make a Complaint or to be involved as a party or intervenor in a hearing before the LARB or CARB and for obtaining copies of the LARB or CARB's decisions and documents shall be determined by Council in accordance with the Act.

18 GENERAL

18.1 This bylaw shall take effect on the day of final passing thereof.

18.2 This Bylaw rescinds Bylaw No. 1284/18.

Received first and second readings, and by unanimous consent of the Councillors present, a third reading and finally passed this 8th day of August, 2019.



Reeve



County Manager

Schedule "A"
Code of Conduct

All members appointed to the LARB and CARB shall:

1. Be independent, impartial, and responsible to County Council and citizens.
2. Not use their position for personal advantage.
3. Not accept any fee, gift or other benefit that is connected with or would reasonably be perceived to be connected with the performance of the member's duties of office, other than remuneration from the County for performance of the member's duties as a member of a LARB or CARB.
4. In their interactions with other members, board administration, parties, and the public,
 - a. Be courteous, professional, fair, and unbiased;
 - b. Contribute to the preservation of order and decorum in a hearing;
 - c. Avoid sarcasm, derogatory comments, questions, or comments designed to embarrass; and
 - d. Be respectful of the rulings and direction of the Presiding Officer.
5. Treat all parties fairly, in good faith, without bias, and ensure that all parties are given an adequate opportunity to state their case.
6. Restrict his or her contact with parties prior to, during, and following a hearing so as to reflect the quasi-judicial nature of the hearing; must not discuss ongoing complaints or individuals appearing before a panel in public; and must not comment on LARB and CARB decisions to the media or anyone else external to the CARB or LARB.
7. Not divulge any confidential information presented in connection to any hearing.
8. Adhere to the conflict of interest and pecuniary interest guidelines outlined in this bylaw and the Act.