

**MUNICIPALITY OF JASPER
BYLAW #139**

A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ESTABLISHMENT OF INTER-MUNICIPAL ASSESSMENT REVIEW BOARDS

WHEREAS, pursuant to section 456 of the *Municipal Government Act*, R.S.A. 2000, M26, two or more councils may agree to establish jointly assessment review boards to have jurisdiction in their municipalities;

WHEREAS, the Town of Grande Cache, the Town of Hinton, and the Specialized Municipality of Jasper wish to establish joint assessment review boards to have jurisdiction in these municipalities;

WHEREAS, pursuant to section 454 of the *Municipal Government Act*, RSA 2000, M-26 and amendments thereto, a council may establish one or more local assessment review boards and one or more composite assessment review boards;

WHEREAS, pursuant to section 454.1(2) of the *Municipal Government Act*, a council may establish a local assessment review board consisting of only one Citizen Member;

WHEREAS, pursuant to section 454.2(3) of the *Municipal Government Act*, a council may establish a single-member composite assessment review board;

WHEREAS, pursuant to sections 454.1 and 454.2 of the *Municipal Government Act*, a council must appoint three persons as Citizen Members to each local assessment review board and two persons as Citizen Members to each composite assessment review board;

WHEREAS, pursuant to section 454.1(2) of the *Municipal Government Act*, a council may appoint a person to each one-member local assessment review board;

WHEREAS, pursuant to section 484 (1) of the *Municipal Government Act*, a council may set fees payable by persons wishing to make complaints;

WHEREAS, pursuant to section 455 of the *Municipal Government Act*, a council must appoint a Designated Officer to act as the Clerk of the assessment review boards;

NOW THEREFORE, the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, hereby enacts:

1. CITATION

- 1.1. This Bylaw may be cited as the "Jasper Inter-Municipal Assessment Review Boards Bylaw 2010A".
- 1.2. Municipality of Jasper Bylaw #133, the "Jasper Inter Municipal Assessment Review Board Bylaw 2010" is hereby repealed.

2. DEFINITIONS

- 2.1. Except as otherwise provided herein, words in this Bylaw shall have the meaning prescribed in the *Municipal Government Act*. In this Bylaw:
 - 2.1.1. "Authorized Substitute" shall mean a Citizen Member who is authorized for appointment to fill a Vacancy;
 - 2.1.2. "Council" shall mean the Council of the Municipality of Jasper;

- 2.1.3. “*Citizen Member*” shall mean a resident of a Member Municipality who is not a councilor or otherwise ineligible for assessment review board appointment pursuant to the *Municipal Government Act* and regulations passed thereto, appointed to a Local Assessment Review Board or Composite Assessment Review Board;
- 2.1.4. “*Designated Officer*” shall mean the Designated Officer appointed herein pursuant to the provisions of section 455 of the *Municipal Government Act*;
- 2.1.5. “*Member Municipality*” shall mean the Town of Hinton, the Town of Grande Cache and the Specialized Municipality of Jasper when those municipalities enter into an Agreement to jointly establish assessment review boards and enact a Bylaw in this format;
- 2.1.6. “*Vacancy*” shall mean an absence from a hearing due to:
 - 2.1.6.1. a pecuniary interest in the subject matter of the complaint;
 - 2.1.6.2. a direct or indirect interest in the complaint;
 - 2.1.6.3. a Citizen Member’s ill health or other emergency;
 - 2.1.6.4. a Citizen Member’s unavailability.

3. ASSESSMENT REVIEW BOARDS

- 3.1. Council is hereby authorized to establish jointly and by agreement with the Member Municipalities the following assessment review boards to have jurisdiction in the Member Municipalities:
 - 3.1.1. Local Assessment Review Board No. 1 shall consist of three (3) Citizen Members;
 - 3.1.2. Local Assessment Review Board No. 2 shall consist of three (3) Citizen Members;
 - 3.1.3. Composite Assessment Review Board No. 1 shall consist of one (1) Provincial Member and two (2) Citizen Members;
 - 3.1.4. Composite Assessment Review Board No. 2 shall consist of one (1) Provincial Member and two (2) Citizen Members;
 - 3.1.5. Composite Assessment Review Board No. 3 shall consist of one (1) Provincial Member and two (2) Citizen Members;
 - 3.1.6. Single member Local Assessment Review Board No. 1 shall consist of one (1) Citizen Member;
 - 3.1.7. Single member Local Assessment Review Board No. 2 shall consist of one (1) Citizen Member; and

- 3.1.8. Single member Composite Assessment Review Board No. 1 shall consist of one (1) Provincial Member appointed by the Minister responsible for the administration of the *Municipal Government Act*.

4. MEMBERSHIPS AND VACANCIES

- 4.1. Each Member Municipality may appoint by Council resolution up to two Citizen Members to the assessment review boards established pursuant to section 3.1 herein.
- 4.2. Unless otherwise specified in the Council resolution, all Citizen Members are appointed for five year terms.
- 4.3. A Citizen Member is an Authorized Substitute for any other Citizen Member in the event of a Vacancy at any Local Assessment Review Board or Composite Assessment Review Board hearing.
- 4.4. In the event a Citizen Member resigns prior to the end of their term, the Member Municipality who appointed that Citizen Member may appoint a replacement for the resigning Citizen Member to fill the remainder of the resigning Citizen Member's term.
- 4.5. A Citizen Member may be re-appointed at the expiration of the Citizen Member's term.
- 4.6. A Citizen Member may resign at any time on written notice to the Designated Officer and the Member Municipality which appointed the Citizen Member.
- 4.7. A Member Municipality may remove a Citizen Member appointed by that Member Municipality at any time, and upon doing so must notify the Citizen Member and the Designated Officer in writing.
- 4.8. A Citizen Member who fails to comply with the pecuniary interest provisions in section 480 of the *Municipal Government Act*, ceases to be a Citizen Member.

5. REMUNERATION

- 5.1. Remuneration and traveling expenses for Citizen Members shall be in accordance with remuneration as specified in applicable Council policy.

6. DESIGNATED OFFICER

- 6.1. The Designated Officer appointed pursuant to section 455 of the *Municipal Government Act*, shall be the Chief Administrative Officer of the Town of Hinton, or his designate.
- 6.2. The duties and remuneration of the Designated Officer pursuant to s. 455 of the *Municipal Government Act*, shall be as directed by the *Municipal Government Act*, the *Matters Relating to Assessment Complaints Regulations*, and the Agreement signed by the Member Municipalities.

7. ASSESSMENT COMPLAINT FEES

- 7.1. The fees payable pursuant to section 481 (1) of the *Municipal Government Act*, shall be those established by each Member Municipality for property located in that municipality, provided that such fees do not exceed the maximum fees in the *Matters Relating to Assessment Complaints Regulation*.

8. SEVERABILITY

- 8.1. If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.
- 8.2. If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

GIVEN FIRST READING THIS 22nd DAY OF JUNE , 2010

GIVEN SECOND READING THIS 6th DAY OF JULY , 2010

GIVEN THIRD AND FINAL READING THIS 20th DAY OF JULY , 2010

MAYOR

MUNICIPAL MANAGER

SCHEDULE A

Local Assessment Review Board and Composite Assessment Review Board Appointments

LARB #1 Nigel Knight, appointed by the Town of Hinton for 5 years
John Bladen, appointed by the Town of Grande Cache for 5 years
Joe Couture, appointed by the Specialized Municipality of Jasper for 5 years

LARB #2 Ed Holtner, appointed by the Town of Hinton for 5 years
Bob Krewusik, appointed by the Town of Grande Cache for 5 years
Sandra Coombe, appointed by the Specialized Municipality of Jasper for 5 years

SINGLE MEMBER LARB #1 Nigel Knight, appointed by the Town of Hinton for 5 years

SINGLE MEMBER LARB #2 Sandra Coombe, appointed by the Specialized Municipality of Jasper for 5 years

CARB #1 Nigel Knight, appointed by the Town of Hinton for 5 years
John Bladen, appointed by the Town of Grande Cache for 5 years

CARB #2 Joe Couture, appointed by the Specialized Municipality of Jasper for 5 years
Ed Holtner, appointed by the Town of Hinton for 5 years

CARB #3 Sandra Coombe, appointed by the Specialized Municipality of Jasper for 5 years
Bob Krewusik, appointed by the Town of Grande Cache for 5 years

Schedule B – Responsibilities

AC = Assistant Clerk from Member Municipality	
A = Assessor from Member Municipality	
C = Clerk for Regional Board (CAO, Municipality of Jasper)	
AC	RECEIPT OF COMPLAINT
AC	<ul style="list-style-type: none"> collect fee
AC	<ul style="list-style-type: none"> review complaint for validity / compliance with legislation
AC	<ul style="list-style-type: none"> open file & send to Assessor and Clerk
	INITIAL STAGES
A / AC	<ul style="list-style-type: none"> preliminary discussions & disclosure of information occurs between complainant and assessor
A / AC	<ul style="list-style-type: none"> Assessor advises Assistant Clerk if matter is resolved or proceeding to hearing
AC	<ul style="list-style-type: none"> if resolved, Assistant Clerk advises the Clerk and administers withdrawal (refund fee MGA s. 481(2))
AC	<ul style="list-style-type: none"> if proceeding, Assistant Clerk advises Clerk and forwards copy of all complaint documents
AC	<ul style="list-style-type: none"> Assistant Clerk will advise regional Clerk of hearing location preference
C	CONFIRMATION OF RECEIPT OF COMPLAINT
C	<ul style="list-style-type: none"> review complaint for appeal type / validity / compliance with legislation
C	<ul style="list-style-type: none"> determine if issue exists for merit hearing or jurisdictional hearing
C	ASSIGNMENT OF RESOURCES
C	<ul style="list-style-type: none"> open file / identify all parties involved
C	<ul style="list-style-type: none"> assign administrative support and Board Members
C	<ul style="list-style-type: none"> establish hearing date, schedule facility, Board Members
C	SEND NOTICE OF HEARING TO COMPLAINANT
C	<ul style="list-style-type: none"> copies to Assistant Clerk, Assessor & Minister (if CARB)
C	<ul style="list-style-type: none"> copies if necessary to property owner, agent, lessee etc.
C	DISCLOSURE
AC / A	<ul style="list-style-type: none"> complainant provides 1st disclosure to Assistant Clerk and Assessor

AC	<ul style="list-style-type: none"> Assistant Clerk date stamps submission and forwards a copy to Clerk
A	<ul style="list-style-type: none"> Assessor submits response to Assistant Clerk and Complainant
AC	<ul style="list-style-type: none"> Assistant Clerk date stamps Assessors submission and forwards a copy to Clerk
AC	<ul style="list-style-type: none"> Complainant provides rebuttal to Assistant Clerk and Assessor
AC	<ul style="list-style-type: none"> Assistant Clerk date stamps submission and forwards a copy to Clerk
C	AGENDA
C	<ul style="list-style-type: none"> Clerk verifies all disclosure
C	<ul style="list-style-type: none"> Clerk verifies attendance of all parties
C	<ul style="list-style-type: none"> Clerk will produce agenda packages & provide copies at the hearing for Citizen Members
C	<ul style="list-style-type: none"> Clerk will liaise with the Board and provide all materials necessary – including legislation
C	<ul style="list-style-type: none"> Clerk will prepare templates for minutes and decisions of the Board
C	HEARING
C	<ul style="list-style-type: none"> Clerk will attend hearing and prepare the record pursuant to the regulation
C	<ul style="list-style-type: none"> Clerk will attend deliberations, assist the Board to prepare a decision that identifies all issues, arguments, reasons for the decision (including both conformist and dissenting reasons)
C	SEND NOTICE OF DECISION TO COMPLAINANT
C	<ul style="list-style-type: none"> copies to Assistant Clerk, Assessor & Minister (if CARB)
C	<ul style="list-style-type: none"> copies to property owner, agent, lessee etc.
C	
C	REPORTING
C	<ul style="list-style-type: none"> Clerk will provide the Assistant Clerk with a reporting package of the which includes:
C	<ul style="list-style-type: none"> invoice for services in accordance with agreement
C	<ul style="list-style-type: none"> statistics (where necessary)
C	<ul style="list-style-type: none"> feedback form to establish best practices and service standards for quality control
C	<ul style="list-style-type: none"> Clerk will compile and retain a record of the hearing in accordance with the regulations