

**MUNICIPALITY OF JASPER
BYLAW #245**

BEING A BYLAW OF THE SPECIALIZED MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO ESTABLISH A REGIONAL ASSESSMENT REVIEW BOARD.

WHEREAS pursuant to s. 454 of the *Municipal Government Act* (RSA 2000, cM-26), a council must by bylaw establish a Local Assessment Review Board (LARB) and a Composite Assessment Review Board (CARB).

AND WHEREAS pursuant to s. 455 of the *Municipal Government Act* (RSA 2000, cM-26), two or more Councils may agree to jointly establish a LARB and a CARB to have jurisdiction in their municipalities as a Regional Assessment Review Board.

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

1. CITATION

- 1.1. This Bylaw may be cited as the "Regional Assessment Review Board Bylaw 2022".
- 1.2. Municipality of Jasper bylaw #210, the "Regional Assessment Review Board Bylaw" is hereby repealed.

2. DEFINITIONS

- 2.1. In this Bylaw:
 - 2.1.1. "*Board*" shall mean the West Yellowhead Regional Assessment Review Board.
 - 2.1.2. "*Clerk*" shall mean the clerk appointed by each Partner Municipality to carry out the administrative functions of their municipality's Board activities;
 - 2.1.3. "*Council*" shall mean the municipal council of each respective Partner Municipality.
 - 2.1.4. "*Designated Clerk*" shall mean the person appointed to carry out the duties and functions of the clerk of the Regional Assessment Review Board in accordance with s. 456 of the *Municipal Government Act* (RSA 2000, cM-26), jointly appointed by the Councils of the Partner Municipalities;
 - 2.1.5. "*Designated Chair*" shall mean the person appointed to carry out the duties and functions of the chair of the Regional Assessment Review Board in accordance with s. 454 of the *Municipal Government Act* (RSA 2000, cM-26), jointly appointed by the Councils of the Partner Municipalities.
 - 2.1.6. "*Member*" shall mean a member of the Regional Assessment Review Board;
 - 2.1.7. "*Minister*" shall mean the Minister determined by the Province to be responsible for the *Municipal Government Act* (RSA 2000, cM-26);

- 2.1.8. "*Partner Municipality*" shall mean the Specialized Municipality of Jasper, Town of Hinton, Town of Edson and Improvement District 12, who have agreed to jointly establish the Regional Assessment Review Board;
- 2.1.9. "*Presiding Officer*" shall mean the Member of a LARB designated to chair a hearing;
- 2.1.10. "*Provincial Member*" shall mean a person appointed as a Provincial Member to a CARB by the Minister;

3. PARTNER MUNICIPALITIES

- 3.1 The Specialized Municipality of Jasper and the Partner Municipalities hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and a Composite Assessment Review Board (CARB) to have jurisdiction in their municipalities.

4. REGIONAL BOARD REVIEW COMMITTEE

- 4.1 The Regional Board Review Committee shall consist of the Clerks from each Partner Municipality.
- 4.2 The Regional Board Review Committee will hold an annual meeting for the Clerks to review the CARB and LARB roles and requirements for the year.
- 4.3 The Specialized Municipality of Jasper shall act as the representative for Improvement District 12 on the Regional Board Review Committee, subject to a valid and current agreement between the Specialized Municipality of Jasper and Improvement District 12.

5. ESTABLISHMENT OF BOARDS

- 5.1 The following West Yellowhead Regional Assessment Review Boards are hereby established:
 - 5.1.1 One or more LARBs that consist of one Member;
 - 5.1.2 One or more LARBs that consist of three Members;
 - 5.1.3 One or more CARBs that consist of one Provincial Member; and
 - 5.1.4 One or more CARBs that consist of one Provincial Member and two Members.

6. APPOINTMENT OF BOARD MEMBERS

- 6.1 The Council of each Partner Municipality shall be responsible to appoint two (2) or more Members to the LARBs and CARBs pursuant to this bylaw. Provided the members have taken the necessary training, the same individuals may be appointed to a LARB and CARB.
- 6.2 Each municipality may appoint one Member of their Council to the LARBs and CARBs pursuant to this bylaw. Provided they have taken the necessary training, Council Members may be appointed to a LARB and CARB.
- 6.3 Each municipality must rescind an appointment if the Member: (i) fails to successfully complete the training program set by the Minister; (ii) does not live up to their commitment to attend hearings; (iii) is no longer eligible pursuant to the Act and regulations passed thereto; or (iv) breaches the pecuniary interest provisions in s. 480 of the *Municipal Government Act* (RSA 2000, cM-26).

- 6.4 Notwithstanding section 6.1, Improvement District 12 shall be exempt from the responsibility to appoint Members to the LARBs and CARBs pursuant to this bylaw, subject to a valid and current agreement between the Specialized Municipality of Jasper and Improvement District 12.

7. TERM OF APPOINTMENT

- 7.1 A Member may be reappointed to the Board at the expiration of his or her term.
- 7.2 A Member may resign from the Board at any time on written notice to the Designated Clerk to that effect.
- 7.3 Each municipality shall have the right to rescind the appointment of their Board member.
- 7.4 Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

8.0 JURISDICTION OF THE BOARD

- 8.1 The Board shall have jurisdiction to exercise the functions of a LARB and the functions of a CARB under the provisions of the *Municipal Government Act* (RSA 2000, cM-26) in respect to assessment complaints made by taxpayers of a Partner Municipality.

9.0 DESIGNATED CHAIR

- 9.1 On a rotating basis between Partner Municipalities, Councils of the Partner Municipalities must jointly appoint one Board Member as Designated Chair and must jointly prescribe the Designated Chair's term of office and remuneration and expenses.

10.0 DESIGNATED CLERK

- 10.1 Councils of the Partner Municipalities must jointly appoint a Designated Clerk for the Regional Assessment Review Board.
- 10.2 The Designated Clerk, whenever possible, will be selected from the same municipality as the Designated Chair and be appointed for the same term of office.

11.0 PRESIDING OFFICER

- 11.1 The Members of every Board established under section 5.1.2 of this bylaw will select a Presiding Officer from among themselves who will:
- 11.1.1 Preside over and be responsible for the conduct of hearings;
 - 11.1.2 Vote on matters submitted to the Board unless otherwise disqualified; and
 - 11.1.3 Sign orders, decisions, and documents issued by the Board.

12.0 HEARINGS

- 12.1 Hearings will be held at such time as determined by the Designated Clerk, in the municipality where the property under complaint is located.
- 12.2 Each Partner Municipality shall provide, at their expense, adequate facilities for the hearings in their municipality.
- 12.3 The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act* (RSA 2000, cF-25) and the *Municipal Government Act* (RSA 2000, cM-26).
- 12.4 The Designated Clerk shall attempt to have a majority of Members who do not reside in the municipality in which the property under complaint is located.

13.0 FEES

- 13.1 The fees payable pursuant to s. 481(1) of the *Municipal Government Act* (RSA 2000, cM-26) shall be those established by each Partner Municipality for property located in that municipality, provided that such fees do not exceed the maximum fees set out in the *Matters Relating to Assessment Complaints Regulation Alberta Regulation* (AR 201/2017).

14.0 COSTS AND REMUNERATION

- 14.1 Each Partner Municipality shall pay for administrative costs associated with the operations of the Board in their respective municipality, including remuneration for Members, the costs associated with any Provincial Members, and any legal fees.
- 14.2 Unless otherwise determined by the Partner Municipality which appointed the Member, Members shall receive remuneration for training sessions, meetings, decision writing, reviewing draft decisions, and hearings in accordance with the meeting fees set for municipal councillors in the respective Partner Municipality.

15.0 DISPUTE RESOLUTION

- 15.1 In the event that a dispute arises between any of the Partner Municipalities regarding any of the clauses in this Bylaw, or over a financial matter regarding the operation of the LARBs or CARBs, the Chief Administrative Officers of the Partner Municipalities shall meet to consider the matter.
- 15.2 The decision of the panel of Chief Administrative Officers will be final.

16.0 BYLAW AMENDMENTS

- 16.1 In the event that the Council of a Partner Municipality wishes to amend the Regional Assessment Review Board Bylaw, the Clerk of that municipality will bring the proposed amendments to the Regional Board Review Committee for discussion and presentation to their respective Councils.
- 16.2 If the Councils of the Partner Municipalities cannot reach an agreement on the proposed amendments, the Mayors of the Partner Municipalities shall meet to consider the matter.

16.3 If a Partner Municipality intends to no longer be a part of the West Yellowhead Regional Assessment Review Board, they shall give the Councils of Partner Municipalities no less than thirty (30) days written notice of that intention prior to the meeting at which any motion or bylaw to cease participation in the Board is to be considered.

17.0 SEVERANCE

17.1 If any provision herein is found to be invalid by a court of competent jurisdiction, it shall be severed from the remainder of this Bylaw and shall not invalidate the whole bylaw.

18.0 COMING INTO EFFECT

18.1 This Bylaw shall come into force and effect on the final day of passing thereof.

READ a first time this 19 day of April, 2022

READ a second time this 19 day of April, 2022

READ a third time and finally passed this 3 day of May, 2022

Mayor

Chief Administrative Officer