

**TOWN OF OLDS  
BYLAW NO. 2018-50**

**A bylaw to establish a Regional Assessment Review Board**

**WHEREAS** Section 455 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City of Red Deer and the Partner Municipalities jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

**WHEREAS** it is deemed expedient by Council that a Bylaw to enable municipalities to provide a mechanism for citizens to appeal their property assessment and tax notices.

**NOW THEREFORE** the Council in the Town of Olds, in the Province of Alberta, in open meeting assembled, enacts as follows:

**1. SHORT TITLE:** This Bylaw may be referred to as the, '**Regional Assessment Review Board Bylaw**'.

**2. DEFINITIONS:**

(2.1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act*.

(2.2) In this bylaw the following terms shall have the meanings shown:

- (a) "Board" means the Regional Assessment Review Board;
- (b) "CARB" means the Composite Assessment Review Board established in accordance with the *Municipal Government Act* that hears complaints on assessment notices for property other than the property described in section 2(2)(d) of this bylaw and section 460.1(1) of the *Municipal Government Act*;
- (c) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 456 of the *Municipal Government Act*;
- (d) "LARB" means the Local Assessment Review Board established in accordance with the *Municipal Government Act* who hears complaints about assessment notices for:
  - i. residential property with 3 or fewer dwelling units, or
  - ii. farm land, or



about a tax notice other than a property tax notice, business tax notice or improvement tax notice;

- (e) "Member" means a member of the Regional Assessment Review Board;
- (f) "Minister" means the Minister determined by the Province to be responsible for the *Municipal Government Act*;
- (g) "Partner Municipality" means all those municipalities who enter into an agreement with the City to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw, as well as the City of Red Deer;
- (h) "Provincial Member" means a person appointed as a provincial member to a CARB by the Minister.

### **3. Partner Municipalities**

The Town of Olds and The City of Red Deer hereby jointly establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities and those of the Partner Municipalities.

### **4. Regional Board Review Committee**

- (4.1) The Regional Board Review Committee will consist of 5 Administrators who volunteer from the Partner Municipalities.
- (4.2) The term for volunteer Regional Board Review Committee Members is one year.
- (4.3) The Regional Board Review Committee may establish their own procedures to carry out their function, but in doing so, they shall have due regard for procedural fairness.

### **5. Appointment of Board Members**

- (5.1) The Regional Board Review Committee shall appoint not more than 20 citizens-at-large to be Members of the Regional Assessment Review Board.
- (5.2) The total number of Members shall be determined by the Designated Officer.

### **6. Establishment of Boards**

The following Central Alberta Regional Assessment Review Boards are established:

- (a) one or more LARB's that consist of one (1) Member;

- (b) one or more LARB's that consist of three (3) Members;
- (c) one or more CARB's that consist of one (1) Provincial Member
- (d) one or more CARB's that consist of one (1) Provincial Member and two (2) Members.

## **7. Terms of Appointment**

- (7.1) Unless otherwise stated, all Members are appointed for three year terms except in the initial year where one-third is appointed for three year term; one-third is appointed for a two year term and the remaining one-third are appointed for a one year term.
- (7.2) If a vacancy on the Board occurs at any time the Regional Board Review Committee may appoint a new person to fill the vacancy for the remainder of that term.
- (7.3) A Member may be re-appointed to the Board at the expiration of his/her term.
- (7.4) A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
- (7.5) The Regional Board Review Committee may remove a Member for cause or misconduct on the recommendation of the Designated Officer.
- (7.6) Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

## **8. Presiding Officer**

The Members of every Board established under section 6(b) of this bylaw will select a Presiding Officer from among themselves who will:

- (a) preside over and be responsible for the conduct of hearings;
- (b) vote on matters submitted to the Board unless otherwise disqualified;
- (c) sign orders, decisions and documents issued by the Board.

## **9. Jurisdiction of the Board**

The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Partner Municipality.

## **10. Regional Advisory Group**

- (1) Board Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Chair and up to 3 Vice Chairs.
- (2) The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:
  - (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
  - (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
  - (c) ensure other Members are provided mentoring;
  - (d) act as a liaison between the Members, board administration and the Designated Officer;
- (3) The duties of the Chair of the Regional Advisory Group include:
  - (a) chairing meetings of the Regional Assessment Review Board and the Regional Advisory Group;
  - (b) establishing agendas for the Regional Advisory Group and the Regional Assessment Review Board meetings in consultation with the Designated Officer;
  - (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Regional Assessment Review Board;
  - (d) appointing an Acting Chair from the Regional Advisory Group;
  - (e) signing correspondence on behalf of the Regional Advisory Group.
- (4) If the Chair ceases to be a Member or is unable or unwilling to fulfil the Chair's duties, the Clerk may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

## **11. Designated Officer of the Board**

- (11.1) The Town of Olds appoints the City of Red Deer Legislative Services Manager as the Designated Officer of the Board. The remuneration and duties of the Designated Officer are as set out in section 11(1) of the of the City of Red Deer's Regional Assessment Review Board Bylaw.

- (11.2) The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.
- (11.3) The Designated Officer shall assist the Board in fulfilling its mandate.
- (11.4) The Designated Officer may appoint Acting Clerks to perform the Designated Officer duties and functions provided they have successfully completed the training as prescribed by the Minister.
- (11.5) The Designated Officer shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters.
- (11.6) The Designated Officer will consult with the Regional Advisory Group and Members on matters affecting the Boards.
- (11.7) The Designated Officer will make arrangements for issuing refunds of filing fees in accordance with the MGA and related regulations.
- (11.8) The Designated Officer will issue instructions to independent legal counsel for the Boards when required.
- (11.9) The Designated Officer may, at the request of a Presiding Officer of a Board sign orders, decisions and documents issued by the Board.
- (11.10) The Designated Officer may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group.
- (11.11) The Designated Officer may set fees payable for persons to obtain copies of the Board's decisions and documents.

## **12. Complaint Form**

- (12.1) Pursuant to Section 3(1) of the Regulations, the complainant must complete and file with the Clerk of the Assessment Review Board a complaint in the form set out in Appendix 1.

## **13. COMPLAINT FEES**

- (13.1) Complaint fees are as set out in the Town of Olds "Rates Bylaw".

## **14. GENERAL MATTERS**

- (14.1) This Bylaw comes into full force and effect on January 1, 2019
- (14.2) Bylaw 2018-30 is hereby repealed.



Read a first time this 26<sup>th</sup> day of November, 2018.

Read a second time this 26<sup>th</sup> day of November, 2018.

Unanimous consent given to present for third reading this 26<sup>th</sup> day of November, 2018.

Read a third and final time this 26<sup>th</sup> day of November, 2018.



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Michael Muzychka  
Mayor



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Michael Merritt  
Chief Administrative Officer

Signed by the Chief Elected Official and the Chief Administrative Officer on this 27<sup>th</sup> day of November, 2018.

**Appendix 1**

1. Town of Olds Assessment Review Board Complaint form.