

**THE SUMMER VILLAGE OF BIRCH COVE
PROVINCE OF ALBERTA
BYLAW # 140-19**

(BEING A BYLAW FOR THE SUMMER VILLAGE OF BIRCH COVE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING ASSESSMENT REVIEW BOARDS.

WHEREAS, section 454 of the *Municipal Government Act (MGA)* requires Council to establish a bylaw a Local Assessment Review Board and a Composite Assessment Review Board;

WHEREAS, matters relating to assessment complaints are governed by the *Matters Relating to Assessment Complaints Regulation (MRAC)* and the *Municipal Government Act (MGA)*.

NOW THEREFORE, the Council of The Summer Village of Birch Cove, in the Province of Alberta duly assembled enact as follows:

1. **Short Title**

This Bylaw may be cited as “Assessment Review Boards Bylaw.”

2. **Definitions**

- a. **“Assessment Review Boards”** means the Local Assessment Review Board and the Composite Assessment Review Board collectively;
- b. **“Chief Administrative Officer” or “CAO”** means the chief administrative officer of the Summer Village of Birch Cove;
- c. **“Clerk”** means the designated officer appointed by the Municipal Council as the clerk of the Assessment Review Boards in accordance with section 456(1) of the *Municipal Government Act*;
- d. **“Composite Assessment Review Board” or “CARB”** means subject to 460.1(2) a Board established to hear and make decisions on complaints about any matter referenced in section 460(5) of the *Municipal Government Act*; that is shown on an assessment notice for property other than property described in subsection 1(a); a business tax notice or an improvement tax notice; or a designated officer’s decision to refuse to grant an exemption or deferral under section 364.1;
- e. **“Council”** means the duly elected Council of the Summer Village of Birch Cove;
- f. **“Local Assessment Review Board” or “LARB”** means a Board established to hear and make decisions on complaints about any matter referenced in section 460(5) of the

Municipal Government Act; that is shown on (a) an assessment notice for (i) residential property with three or fewer dwelling units, or

- g. “**Member**” means a member of the Assessment Review Boards as appointed by Council;
- h. “**Municipal Government Act**” means the Municipal Government Act, RSA 2000, c M-26;

3. **Establishment of Boards**

Council hereby establishes the following Assessment Review Boards:

- a. Local Assessment Review Board (LARB) and
- b. Composite Assessment Review Board (CARB).

4. **Appointment of Members**

- a. Council appoints up to eight (8) Members for a three-year term and in a manner that the expiry of their appointments is staggered.
- b. Notwithstanding section 4(a), a Member may be re-appointed when their term expires but the person must re-apply for appointment.
- c. In the event a Member is unable to finish their appointment term, Council may appoint a replacement.
- d. All Members serve at the pleasure of Council and may be removed by resolution of Council where, in the opinion of Council, that Member has contravened the Code of Conduct as set out in “Schedule A” or as may be established by resolution of Council from time to time.

5. **Appointment of Chair**

- a. Council annually appoints a Chair for the Assessment Review Boards from the appointed Members.
- b. The Chair of the Assessment Review Boards is the Chair of both the Local Assessment Review Board and the Composite Assessment Review Board.

6. **Remuneration**

- a. Remuneration and traveling expenses for Members are shall be in accordance with remuneration as specified under the policy of the Summer Village of Birch Cove, and shall be established by Council from time to time.

7. **Clerk of the Assessment Review Board**

- a. The Chief Administrative Officer is the designated Clerk of the Assessment Review Boards.

- b. The CAO may delegate the role of the Clerk of the Assessment Review Boards to an employee of the municipality.

8. **Quorum**

- a. A panel of a Local Assessment Review Board consists of three (3) members, a quorum is two (2) members.
- b. A panel of a Composite Assessment Review Board consists of three (3) members, a quorum is two (2) members, one of whom must be a provincial member.

9. **Severability**

Should any provision of this Bylaw be invalid, then the invalid provision shall be severed, and the remainder of the Bylaw shall be maintained;

10. **Coming into Force**

The Bylaw shall come into force upon receipt of its third and final reading;

11. **Rescindment**

The Summer Village of Birch Cove Bylaw 124-13 Assessment Review Boards Bylaw is hereby repealed.

READ a first time this 21st day of September 2019;

READ a second time this 21st day of September 2019;

And upon unanimous consent of those Councillors present,

READ a third and final time this 21st day of September 2019.

Mayor Eugene Dugan
(SEAL)

Municipal Administrator
Dennis Evans

BYLAW # 140-19

SCHEDULE A
Assessment Review Board Code of Conduct

1. In this Schedule:
 - a. “Administration” means the general operations of the Summer Village of Birch Cove, including all employees and volunteers;
 - b. “Board” means the Assessment Review Boards;
 - c. “Corporation”, “director”. “Distributing corporation”, “officer”, “shareholder”, “voting rights”, and “voting shares” have the meanings given them in the *Business Corporations Act*, RSA 2000, c B-9;
 - d. “Member’s Family” means the Member’s spouse or adult interdependent partner, the Member’s children, the parents of the Member and the parents of the Member’s spouse of adult interdependent partner;
 - e. “Spouse” means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.
2. A Member has a pecuniary interest in a matter if:
 - a. The matter could monetarily affect the Member or an employer of the Member, or
 - b. The Member knows or should know that the matter could monetarily affect their Family.
3. A Member is monetarily affected by a matter if the matter monetarily affects:
 - a. The Member directly;
 - b. A corporation, other than a distributing corporation, in which the Member is a shareholder, director or officer;
 - c. A distributing corporation in which the Member beneficially owns voting shares carrying at least 10% of the corporation or of which the Member is a director or officer; or
 - d. A partnership or firm of which the person is a member.
4. A Member does not have a pecuniary interest by reason only of any interest:

- a. That the Member, an employer of the Member or a member of the Member's Family may have as an elector, taxpayer or utility customer of the municipality,
 - b. Of the Member, an employer of the Member or a member of the Member's Family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part;
or
 - c. That is so remote or insignificant that it cannot be reasonably be regarded as likely to influence the Member.
5. Where a Member has a pecuniary interest of the matter before the Board that Member shall:
 - a. Disclose the nature of the pecuniary interest to the Chair or presiding officer and Clerk;
 - b. Abstain from participating in the hearing of the matter;
 - c. Abstain from any deliberations and decision-making on the matter; and
 - d. Be absent from the room in which the complaint is heard, except to the extent that the Member is entitled to be heard before the Board as a complainant or a person affected by the matter before the Board.
6. Where Council becomes aware of a breach of these provisions by a Member of the Board, the Council shall review the facts of the case and make a determination as to whether the Member, in the opinion of Council, has breached pecuniary interest provisions of this Schedule.
7. Where Council determines that a breach of pecuniary interest provisions has occurred, Council may remove the Member from the Board.
8. A Member of the Board shall:
 - a. Not discuss any matter under complaint with any party to that complaint outside of the formal hearing process;
 - b. Keep closed session discussions of the Board and any legal advice provided to the Board confidential except where required to disclose that information by law; and
 - c. Attend all Board meetings and hearings to which he or she has been assigned unless prior written consent has been received from the Chair.
9. A Member must treat Administration, other Board Members, and parties before the Board with respect and must act in a professional and courteous manner at all times.

10. Where Council has reasonable grounds to believe that a Member has breached any of the provisions of “Schedule A”, Council may remove that Member from the Assessment Review Boards in accordance with the provisions for appointment and removal of a Member under this Bylaw.