

VILLAGE OF ALIX

BYLAW NO. 462/21

BEING a Bylaw of the Village of Alix, in the Province of Alberta, to establish Assessment Review Boards and enter into an agreement with Lacombe County for the provision of Assessment Review Board Services.

WHEREAS Section 455 of the *Municipal Government Act, RSA 2000, Chapter M-26*, as amended (hereinafter referred to as the “Act”) permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

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 the Village of Alix 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 In this bylaw:

- (a) “Assessor” means the appointed Assessor for the Village of Alix.
- (b) “Board” means the Assessment Review Board whether convened as the Local Assessment Review Board, One Member Local Assessment Review Board, Composite Assessment Review Board or the One Member Composite Assessment Review Board.
- (c) “Composite Assessment Review Board” or “CARB” means the Alix Composite Assessment Review Board established in accordance with the MGA that hears complaints on assessment notices for property other than the property described in section 2.1(i) of this bylaw and section 460.1(1) of the MGA.
- (d) “Citizens-at-large” means a person who is not an appointed or elected official of Lacombe County or the Village of Alix.
- (e) “Clerk” means the individual appointed by Council to carry out the duties and functions of the Assessment Review Board Clerk.
- (f) “Complaint” means a complaint under Part 11 or 12 of the Act.
- (g) “Complainant” means a person who has filed an assessment complaint in accordance with Section 460 of the Act.

- (h) “Council” means the Council of the Village of Alix.
- (i) “Local Assessment Review Board” or “LARB” means the Alix Local Assessment Review Board established in accordance with the Act who hears complaints about assessment notices for:
 - i. residential property with 3 or fewer dwelling units, or
 - ii. farm land, ora tax notice other than a property tax notice, business tax notice or improvement tax notice.
- (j) “Member” means a member of the Assessment Review Board whether convened as the Local Assessment Review Board, One Member Local Assessment Review Board, Composite Assessment Review Board or the One Member Composite Assessment Review Board.
- (k) “Regulation” means the Matters Relating to Assessment Complaints Regulation.
- (l) “Village” means the Village of Alix.

3. JOINT ASSESSMENT REVIEW BOARD SERVICES

- 3.1 The Village of Alix is hereby authorized to enter into an agreement with Lacombe County for the provision of Assessment Review Board services.

4. MEMBERSHIP

- 4.1 The Village of Alix hereby establishes a Local Assessment Review Board jointly with Lacombe County to have jurisdiction in the Village of Alix.
- 4.2 The LARB consists of three Members who hear and decide matters in accordance with the Regulation, as follows:
 - (a) Lacombe County Local Assessment Review Board which consists of Citizens-at-large.
- 4.3 One Member of the LARB may convene as a one Member Board to hear and decide matters in accordance with the Regulation.
- 4.4 The Village of Alix hereby establishes a Composite Assessment Review Board jointly with Lacombe County to have jurisdiction in the Village of Alix.
- 4.5 The CARB consists of three Members who hear and decide matters in accordance with the Regulation, as follows:
 - (a) Lacombe County Composite Assessment Review Board which consists of two Citizens-at-large; and one provincially appointed member who serves as the Chairperson.
- 4.6 The Chairperson of the CARB may convene as a one Member Board to hear and decide matters in accordance with the Regulation.
- 4.7 The Village of Alix hereby delegates the appointment of the Chairperson and Members of the LARB and CARB to Lacombe County, as well as their term of office and remuneration, in accordance with section 203 of the Act.

5. CHAIRPERSON

- 5.1 The Chairperson of the LARB and CARB:
- (a) Shall preside over and be responsible for the conduct of the meetings;
 - (b) May limit a submission if it is determined to be repetitious or in any manner inappropriate;
 - (c) Shall vote on matters submitted to the Board unless otherwise disqualified; and
 - (d) Shall sign orders, decisions and documents issued by the Board.
 - (e) May delegate to any other appointed member any of the powers, duties or functions of the Chair.

6. VICE CHAIRPERSON

- 6.1 In the absence of the Chairperson, the Vice Chairperson shall preside at the meetings of the LARB.
- 6.2 In the absence of the Chairperson and the Vice Chairperson, one of the other Members of the LARB shall be selected by the Members to preside.
- 6.3 In the absence of the Chairperson, the Vice Chairperson shall sign orders, decisions and any other documents issued by the Board.
- 6.4 In the absence of the Chairperson and the Vice Chairperson, the other Member of the LARB selected by the Members to preside, shall sign orders, decisions and any other documents issued by the Board.

7. QUORUM AND MEETINGS

- 7.1 Two Members of the LARB shall constitute a quorum except when sitting as a one Member Board.
- 7.2 The provincial member plus one Member shall constitute a quorum for the CARB except when sitting as a one Member Board.
- 7.3 A Member of the Board who is for any reason, unable to attend the entire hearing of an appeal, shall not participate in the deliberations or decision of the Board.
- 7.4 All Members must vote on all matters before the Board unless a conflict of interest or pecuniary interest is declared.
- 7.5 The majority vote of those Members present and voting constitutes a decision of the Board.
- 7.6 The Board is authorized to make procedure 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.
- 7.7 Meetings will be held at such time and place as determined

by the Clerk, in consultation with Lacombe County.

8. CONFLICT OF INTEREST

- 8.1 Where a Member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the Member may absent himself or herself from Board 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.
- 8.2 The Clerk shall cause a record to be made in the meeting minutes of the Member's absence and the reasons for the absence.
- 8.3 For the purpose of this provision a Member has a conflict of interest in respect of a matter before the Board 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.

9. PECUNIARY INTEREST

- 9.1 The pecuniary interest provisions of the Act apply to all Members of the Board while attending meetings of the Board.
- 9.2 A Board Member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a Member of the Board.

10. DUTIES AND PURPOSE

- 10.1 The Board 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.

11. GENERAL AUTHORITY

- 11.1 No Board Member has authority to:
- (a) Pledge the credit or course of action of the Village of Alix or enter into any agreement on behalf of the Board or the Village of Alix;
 - (b) Authorize any expenditure to be charged against the Village of Alix without prior approval of Council; or
 - (c) Act administratively except as delegated by the Village of Alix Chief Administrative Officer.

12. CLERK

12.1 Council shall appoint a Clerk to serve the LARB and CARB.

12.2 In addition to duties prescribed by the Act, the Clerk will;

(a) Provide administrative support to members and Chairperson as required; and

(b) Provide any notices on behalf of the LARB or CARB.

13. COMPLAINT FEES

13.1 Fees payable by persons wishing to make a Complaint or to be involved as a party or intervenor in a hearing before the Board and for obtaining copies of the Board's decisions and documents may be set by resolution of Council.

14. EFFECTIVE DATE

14.1 Bylaw #307/01 and #458/20 is repealed and this Bylaw shall take effect on the day of final passing thereof.

READ A FIRST TIME IN OPEN COUNCIL this 20th day of January, 2021.

READ A SECOND TIME IN OPEN COUNCIL this 20th day of January, 2021.

READ A THIRD TIME IN OPEN COUNCIL this 20th day of January, 2021.

Mayor

Chief Administrative Officer