

BYLAW 2023-20

BEING A BYLAW OF THE TOWN OF DIAMOND VALLEY IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE ASSESSMENT REVIEW BOARD

WHEREAS pursuant to section of the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended, provides that a council of a municipality must establish a local assessment review board and a composite assessment review board;

NOW THEREFORE Council of the Town of Diamond Valley, duly assembled, enacts as follows:

1.0 TITLE

1.1 This bylaw may be cited as the '**Assessment Review Board Bylaw**'.

2.0 DEFINITIONS AND INTERPRETATION

2.1 Unless otherwise specified, words used in this bylaw have the same meaning as defined in the *Municipal Government Act*, including its regulations.

2.2 In this bylaw:

- a) **Act** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- b) **Assessment Review Board or ARB** means the Local Assessment Review Board and the Composite Assessment Review Board collectively;
- c) **CAO** means the person appointed by the Council of the Town to carry out the powers, duties and functions of the Chief Administrative Officer;
- d) **Clerk** means a person appointed by Council as the '*Clerk of the Assessment Review Board*' in accordance with the *Municipal Government Act* and this bylaw;
- e) **Complaint** means an appeal of a property assessment or classification in the Town of Diamond Valley;
- f) **Council** means the duly elected officials for the Town of Diamond Valley;
- g) **Hearing** means an informal legal proceeding for deciding on a complaint for an assessment matter as prescribed in the *Municipal Government Act*;
- h) **Meeting** means an assembly of the Board members for general Board matters or training, and excludes a complaint Hearing;
- i) **Member** means a member of the Assessment Review Board appointed by Council;
- j) **Members-of-the-Public** means a member of the public appointed to the Board by Council that is not a member of Council;
- k) **MGA** means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended;
- l) **Organizational Meeting** means the annual Organizational Meeting of Council as required by the MGA;
- m) **Panel** means members of the Assessment Review Board convened to hear a complaint;
- n) **Provincial Member** means a person appointed as a provincial member to a Composite Assessment Review Board;
- o) **Regional Pool** means a group of Assessment Review Board members, duly appointed by the Councils of municipalities participating in the Assessment Review Board Joint Regional Agreement;



- p) **Town** means the municipality of the Town of Diamond Valley, incorporated in the Province of Alberta.

2.3 Each provision of this bylaw is independent of all other provisions. If any provision is declared invalid by a court of competent jurisdiction in the Province of Alberta, then all other provisions of this bylaw remain valid and enforceable.

2.4 Nothing in this bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw, or any requirement of any lawful permit, order or licence.

2.5 Any heading or sub-heading in this bylaw is included for guidance purposes and convenience only and does not form part of this bylaw.

2.6 Specific reference to other bylaws, statutes and regulations are intended to refer to the current laws applicable within the Province of Alberta as at the time this bylaw is enacted, and as may be amended or replaced from time to time.

3.0 **BOARD ESTABLISHMENT, MANDATE AND AUTHORITY**

3.1 The Town of Diamond Valley Local Assessment Review Board (LARB) and Composite Assessment Review Board (CARB), collectively the Assessment Review Board, is hereby established.

3.2 The Board hears and decides on complaints about property assessment and classification for the Town.

3.3 The Board has all requisite powers, duties and responsibilities of an LARB and CARB under the MGA.

3.5 Board members will be appointed by Council by resolution for a term no longer than three (3) years.

3.6 **Chair and Vice Chair**

- a) Council will appoint the Chair for the Board at the annual Organizational Meeting or as required;
- b) the Chair will preside over the Board Meetings and assign members to Panels; and
- c) in the event of absence or inability of the Chair to preside at a meeting or assign members to a Panel, the members must elect one of the members to preside as acting Chair.

3.7 Members must abide by the Council Code of Conduct and the Code of Conduct established in Schedule 'A' of this bylaw.

3.8 All members appointed to the Board must successfully complete the mandatory Assessment Review Board training program as approved by the Province of Alberta.

4.0 **TERMS OF APPOINTMENTS**

4.1 Council will appoint members-of-the-public as required.

4.2 Membership terms may be no longer than three (3) years and may be made in such a manner as that the expiry dates of Members are staggered. Members must apply for re-appointment.



- 7.7 If for any reason a member of the Panel cannot continue to participate in a hearing, the hearing may proceed without that member but only if enough other members are present to still achieve quorum. If not, the hearing will be adjourned and may be re-heard by a new Panel.
- 7.8 Members must disclose any conflict of interest in the same manner as required of an elected official under the *Municipal Government Act* and any code of conduct Council has adopted. If a conflict is declared that member must not sit in a Panel or deliberate on the matter before the Panel.
- 7.9 Adjournments of hearings and meetings must be to a specific date and time.
- 7.10 Prior to a hearing commencing, if the complainant and respondent consent to an adjournment, the Chair may grant the adjournment without convening a formal hearing. If granted, the hearing is deemed to have opened on the date of the chair's decision.
- 7.11 A Panel's majority decision is deemed to be the decision of the whole Panel.
- 7.12 Panel member, who for any reason is unable to attend an entire hearing, must not participate in the Panel's deliberations for the decision made by the Panel on that complaint. The Panel member cannot re-join the hearing.
- 7.13 The Board may hold meetings as necessary to complete training or establish procedures.

8.0 COMPENSATION, REIMBURSEMENT AND FEES

- 8.1 The Town will compensate and reimburse Members according to Schedule 'B' of this bylaw.
- 8.2 The CAO, or their delegate, will determine the Clerk's compensation.
- 8.3 The CAO, or their delegate, makes the final decision about a Member's compensation or reimbursement dispute.
- 8.4 Complaint fees are set out in Schedule 'C' of this bylaw.
- 8.5 The Town will refund complaint fees in accordance with the MGA.

9.0 GENERAL PROVISIONS AND COMING INTO FORCE

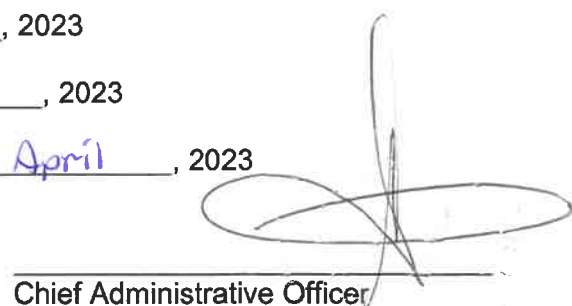
- 9.1 This bylaw shall take effect on date of third and final reading.
- 9.2 The Town of Black Diamond Bylaw 11-05 and the Town of Turner Valley Bylaw No. 10-988 are hereby rescinded.

READ A FIRST TIME on the 5th day of April, 2023

READ A SECOND TIME on the 5th day of April, 2023

READ A THIRD AND FINAL TIME on the 5th day of April, 2023


Mayor


Chief Administrative Officer

4.3 Membership vacancies shall be advertised, and a Town '*Board/Committee Application*' must be submitted.

4.4 If a Panel has commenced a hearing but not yet issued a decision in that complaint before the term of the member(s) sitting on the Panel expires, Council may, by resolution, extend the terms of the member(s) sitting on the Panel for the purpose of completing the hearing and issuing a decision for that complaint.

5.0 REGIONAL POOL

5.1 Members of the Town's Assessment Review Board are hereby appointed to the Regional Pool.

5.2 Members that are appointed to the Regional Pool by a municipality who is a party to the Assessment Review Board Joint Regional Agreement are members appointed to the Assessment Review Board by Council.

6.0 CLERK

6.1 Council appoints the Legislative Services Supervisor to act as the Clerk of the Board. The Legislative Services Supervisor may delegate any of the powers, duties, or functions of the Clerk of the Board to Town employees who have successfully completed the mandatory Assessment Review Board training program.

6.2 In addition to the duties prescribed in the MGA, the Clerk:

- a) provides administrative support to members and the chair as required;
- b) provides any notices or communications on behalf of the Board; and
- c) manages all records pertaining to a complaint on behalf of the Board.

7.0 HEARINGS AND MEETINGS

7.1 Quorum

- a) two (2) members constitute a quorum for a LARB hearing;
- b) the provincial member and one (1) member constitute a quorum for a CARB hearing; and
- c) a simple majority of Board members constitutes quorum for meetings.

7.2 The Board may determine its own hearing procedures where those procedures are not in conflict with any legislation, Town bylaws or Council policies. If there is a conflict, the legislation, bylaw or Council policy prevails over the Board's procedures.

7.3 A Panel hears complaints in public, but it may at any time recess and deliberate in private.

7.4 A Panel may recess or adjourn, at the Panel's discretion, to request technical information, legal opinions, or other assistance.

7.5 Only the Clerk may use digital or electronic devices to record or livestream during a hearing. The Board will approve procedures for electronic participation in a hearing.

7.6 The Panel may recess or adjourn a hearing for any reason.



Schedule 'A' **Code of Conduct**

1. This code of conduct establishes a standard of conduct for Assessment Review Board members to help maintain public confidence and respect for the administrative tribunal process.
2. Given the quasi-judicial nature of the Board, where there is a conflict between this bylaw and the Council Code of Conduct Bylaw, this code of conduct prevails.
3. Members must:
 - a) endeavour to ensure that those persons appearing before them receive a full and fair hearing and the knowledgeable and unbiased application of the Province of Alberta's laws and the Town's bylaws and policies;
 - b) approach every hearing with an open mind and avoid doing or saying anything that could cause any one to think otherwise;
 - c) endeavour to conduct all hearings expeditiously, preventing unnecessary delay, while ensuring the opportunity of all parties to present their case; and
 - d) show respect for the Board, the hearing process and the parties appearing before them through their demeanor, timeliness, dress and conduct throughout any hearing.
4. Members must not:
 - a) give preferential treatment to any person or communicate directly or indirectly with any person with an interest in a hearing except in the presence of the hearing Panel and the parties appearing at the hearing. For further clarity, members must not meet with the complainant or respondent;
 - b) visit subject properties, attend open houses related to the subject property or the parties, or complete research outside the hearing specific to the subject properties for any matter before the Board;
 - c) discuss or comment on matters or parties before the Board or the Board's decisions to the media or anyone else external to the Board; or
 - d) divulge any confidential information presented in connection with any hearing, in perpetuity, unless the information is otherwise made public.
5. Presiding officers must ensure that decisions are made and written in accordance with their subjective good faith understanding of generally accepted administrative law practices and procedural rules as required by law.



Schedule 'B'

Board Member Compensation and Reimbursement

Hearings and Mandatory Training

The Town of Diamond Valley will compensate Board members for their attendance and participation in Assessment Review Board hearings and the Assessment Review Board training required by the Province of Alberta at the following per diem rates:

Table 1: Rates for Town of Diamond Valley ARB members travelling to Joint Regional ARB hearings and Non-resident ARB members travelling to Diamond Valley hearings

Time	Chair	Member
Up to 4 hours	\$219	\$164
Over 4 hours up 8 hours	\$383	\$290
Over 8 hours	\$601	\$427

* *these rates include travel time and expenses*

Table 2: Rates for Town of Diamond Valley ARB members participating in Diamond Valley hearings

Time	Chair	Member
Up to 4 hours	\$100	\$75
Over 4 hours up 8 hours	\$190	\$150
Over 8 hours	\$260	\$225

The Town of Diamond Valley will reimburse Board members for costs, excluding mileage, incurred to attend Board hearings on behalf of the Town and the Assessment Review Board training at the rates set out in the Town's Travel Expense Policy, as amended or replaced from time to time.

Board members attending hearings for municipalities in the Regional Pool will be reimbursed for attendance and travel costs by the host municipality at the rates in set out in Table 1 above.



Schedule 'C' Complaint Fees

Complaint Type	Fee
Residential, 3 or fewer dwellings and farm land ¹	\$50
Tax Notices	\$30
Residential, 4 or more dwellings ²	\$650
Non-residential ³	\$650

Notes:

- 1 detached homes, including acreages and farm residences
duplexes
triplexes
manufactured housing units
individual condominium units
vacant residential land
- 2 four-plexes
apartment buildings
townhouses
- 3 office buildings
retail stores
shopping centers/malls
warehouses
vacant commercial, industrial, mixed-use and multi-residential
industrial plants or special purpose properties



