

**VILLAGE OF ACME BYLAW # 2013-02  
IN THE PROVINCE OF ALBERTA**

**BEING A BYLAW OF VILLAGE OF ACME , IN THE PROVINCE OF ALBERTA, TO ESTABLISH AN INTERMUNICIPAL ASSESSMENT REVIEW BOARD WITH THE TOWN OF TROCHU, TOWN OF THREE HILLS, VILLAGE OF CARBON, VILLAGE OF LINDEN, VILLAGE OF ACME, VILLAGE OF ELNORA, AND KNEEHLL COUNTY.**

**WHEREAS:**

Pursuant to section 456 of the Municipal Government Act, RSA 2000, M-26 and amendments thereto, two or more councils may agree to jointly establish the assessment review boards to have jurisdiction in their municipalities;

Town of Three Hills, Town of Trochu, Village of Carbon, Village of Linden, Village of Acme, Village of Elnora and Kneehill County have agreed to establish an Inter-municipal Assessment Review Board to have jurisdiction in these municipalities;

Pursuant to section 454, 454.1 and 454.2 of the Municipal Government Act, a council may establish one or more local assessment review boards and one or more composite assessment review boards and appoint the members for those boards;

Pursuant to section 484 (1) of the Municipal Government Act, a council may set fees payable by persons wishing to make complaints;

Pursuant to section 455 of the Municipal Government Act, a council must appoint a designated officer to act as the Clerk of the assessment review boards;

NOW THEREFORE the Council of Village of Acme hereby enacts as follows:

**1 Name**

1.1 This Bylaw shall be called the "Inter-municipal 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 Act.

2.2 In this Bylaw, the following definitions shall apply:

- a. "Act" means the *Municipal Government Act of Alberta*, RSA 2000, c.M-26, as amended and regulations passed under that Act;
- b. "Board" means the Inter-municipal Assessment Review Board;
- c. "CARB" means the Composite Assessment Review Board established pursuant to this Bylaw and having the jurisdiction to deal with the

complaints arising from the assessment of all properties other than those specifically identified as being within the jurisdiction of a LARB property and such other matters as are set out in the Act as being within the jurisdiction of a CARB;

- d. "Citizen-at-Large" means a person who does not represent a specific organization;
- e. "Clerk" means the person appointed to carry out the duties and functions of the clerk of the Inter-municipal Assessment Review Board as required under section 455 of the Act;
- f. "Councils" means the Town of Three Hills Council, Town of Trochu Council, Village of Carbon Council, Village of Linden Council, Village of Acme Council, Village of Elnora Council and Kneehill County Council;
- g. "Elected Official" means a Councillor duly elected by the electors of a respective municipality in compliance with the rules and regulations of the *Local Authorities Election Act*;
- h. "Hearing" means the act of hosting a formal meeting by an officially constituted body to listen to evidence and pleadings initiated by a complainant;
- i. "LARB" means the Local Assessment Review Board established pursuant to this Bylaw having the jurisdiction to deal with the complaints arising from the assessment of residential property containing three (3) or fewer dwelling units, farmland and such other matters as are set out in the Act as being within the jurisdiction of a LARB;
- j. "Member" means a member of the Inter-municipal Assessment Review Board;
- k. "Partner Municipality" means all those municipalities who entered into an agreement to jointly establish an Inter-municipal Assessment Review Board and who enact a bylaw substantially in the form of this bylaw;
- l. "Provincial Member" means a Member of a Composite Assessment Review Board appointed by the Minister; and
- m. "Public Member" means a member of the Inter-municipal Assessment Review Board appointed by a Partner Municipality.

### **3 Purpose**

3.1 The purpose of the Bylaw is to establish the Inter-municipal Assessment Review Board for the purpose of hearing assessment appeals from assessments prepared under the

provisions of the Act in the Town of Three Hills, Town of Trochu, Village of Carbon, Village of Linden, Village of Acme, Village of Elnora, and Kneehill County.

#### **4 Establishment of the Appeal Board**

- 4.1 The Board is established jointly and by agreement with the Partner Municipalities.
- 4.2 The Board shall sit in panels to hear complaints as the nature of the complaint may permit or require and such panels shall be composed of:
  - a. when acting as a CARB, one Provincial Member and two Public Members selected by the Clerk;
  - b. when acting as a LARB, three Public members selected by the Clerk;
  - c. When acting as a one member CARB pursuant to the Act, one Provincial Member;  
or
  - d. when acting as a one member LARB pursuant to the Act, one Public Member selected by the Clerk.

#### **5 Appointment**

- 5.1 The Board shall consist of ten (10) members appointed by the Partner Municipalities in accordance with this Bylaw.
  - a. The Partner Municipalities of Carbon, Acme, Linden and Elnora may appoint one (1) Public Member.
  - b. The Partner Municipalities of Three Hills, Trochu and Kneehill County may each appoint two (2) Public Members.
- 5.2 Each Partner Municipality may appoint eligible Public Members by Council resolution. The Public Member may be a Councillor or a Citizen-at-large.
- 5.3 If a Partner Municipality does not have sufficient numbers of eligible Public Members, the County may appoint eligible Public Members to fill the Board.
- 5.4 To be eligible, all Public Members must successfully complete training as prescribed by the Minister.
- 5.5 Public Members shall be appointed for a three year term, and may serve three (3) consecutive terms.
- 5.6 A Public Member may resign from the Board at any time on written notice to the Clerk.

#### **6 Quorum**

- 6.1 Two Public Members of a LARB constitute a quorum.
- 6.2 The Provincial Member and one Public Member constitute a quorum of a CARB.

## **7 Duties of the Board**

- 7.1 The Board shall carry out the duties and responsibilities as set out in the Act.
- 7.2 All Members must vote on matters submitted to the panel of the Board unless otherwise disqualified.
- 7.3 The Board may determine its own procedures and make procedural rules in respect of matters not provided for in this Bylaw.

## **8 Chairperson**

- 8.1 At the first meeting of a panel acting as a LARB, the Members must choose a Chairperson from among themselves.
- 8.2 For a panel acting as a CARB, the Provincial Member must be the Chairperson.
- 8.3 The Chairperson shall:
  - a. preside over and be responsible for the conduct of meetings;
  - b. prepare and sign the decision in accordance with the Act.

## **9 Clerk**

- 9.1 The Clerk of the Board pursuant to section 455 of the Act shall be the Assessment Review Board Clerk appointed by the Chief Administrative Officer of the Partner Municipality where the complaint has been filed.
- 9.2 The Clerk must successfully complete training as prescribed by the Minister.
- 9.3 The Clerk shall be responsible for all duties imposed on the Clerk under the Act, and without limiting the generality of the foregoing, shall:
  - a. assist the Board in fulfilling its mandate;
  - b. coordinate the remuneration and expenses payable to each member of the Board;
  - c. in consultation with the Chairperson, set a date, time and location for a hearing and notify all Members of the Board of the arrangements for the holding of each hearing and other meetings of the Board in accordance with the provisions of the Act; and
  - d. ensure that the notice period for informing all parties and persons involved is complied with as specified in the Act.

## **10 Meetings**

- 10.1 Meetings shall be held at such time and place as determined by the Board.

**11 Payment to the Board**

- 11.1 Public Members shall receive honorariums for adjudicating at formally scheduled Hearings or taking appropriate training. Honorariums shall be paid in accordance with the policy of the Partner Municipality. Village of Acme Public Members shall be paid honorariums in accordance with Bylaw 2010-05 Schedule "A" as amended from time to time.
- 11.2 Provincial Members shall receive reimbursement for all expenses incurred and at the rates prescribed by the Province.

**12 Commencement of Appeals**

- 12.1 A person may commence an assessment appeal by:
  - a. mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the Act and within the time specified in the Act; and
  - b. paying the fee prescribed by the Partner Municipality of the municipality in which the complaint is filed. The Partner Municipality in which the complaint is filed shall retain the fee.

**13 Severability**

- 13.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

**14 Repeal**

- 14.1 Bylaw # 2012-01 is hereby repealed in its entirety.


**15 Interpretation**

- 15.1 In this Bylaw, the words "shall" and "must" are to be construed as imperative. The word "may" is to be construed as permissive and empowering.


Read a first time this 25 day of March, 2013.

Read a second time this 25 day of March, 2013.

Read a third time and signed this 25 day of March, 2013.



Mayor



CAO

CAO