

TOWN OF MORINVILLE
PROVINCE OF ALBERTA

BYLAW 12/2010

A BYLAW OF THE TOWN OF MORINVILLE, IN THE PROVINCE OF ALBERTA, IN RELATION TO THE ESTABLISHMENT AND FUNCTION OF ASSESSMENT REVIEW BOARDS.

WHEREAS, pursuant to Section 454 of the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, a council may establish one or more local assessment review boards and one or more composite assessment review boards;

WHEREAS, pursuant to Sections 454.1 and 454.2 of the *Municipal Government Act*, a council must appoint three persons as members to each local assessment review board and two persons as members to each composite assessment review board;

WHEREAS, pursuant to the section 454.1(2) a council may establish a local assessment review board consisting of one member;

WHEREAS, pursuant to section 454.2(3) a council may establish a composite assessment review board consisting of one member;

NOW THEREFORE, the Municipal Council of the Town of Morinville, Alberta, duly assembled, hereby enacts as follows.

TITLE

1.0 This bylaw may be cited as the "Assessment Review Board Bylaw".

DEFINITIONS

2.0 In this bylaw:

2.1 **"Composite Assessment Review Board"** means a board established to hear and make decisions on complaints about any matter referred to in s. 460(5) of the *Municipal Government Act* that is shown on an assessment notice for non-residential property and residential property with four or more dwelling units.

2.2 **"Council Member"** means the Mayor and Councillors of the Town of Morinville.

2.3 **"Local Assessment Review Board"** means a board established to hear and make decisions on complaints about any matter referred to in section 460(5) of the *Municipal Government Act* that is show on an assessment notice or tax notice other than a property tax notice for residential properties with three or less dwelling units and farmland.

2.4 **"Local Member"** means a Member of a Local Assessment Review Board or Composite Assessment Review Board duly appointed by Council in accordance with the *Municipal Government Act*, and may include Council members and Public members.

2.5 **"Morinville"** means the Town of Morinville in the Province of Alberta.

2.5 **"Provincial Member"** means a person appointed as a Provincial member by the Minister.

2.6 **"Public Member"** means a resident of Morinville.

3.0 Assessment Review Boards

- 3.1 Council hereby established the following Assessment Review Boards for Morinville:
- 3.1.1 Local Assessment Review Board 1 shall consist of 1 Local Member.
 - 3.1.2 Local Assessment Review Board 2 shall consist of 3 Local Members.
 - 3.1.3 Composite Assessment Review Board 1 shall consist of 1 Provincial Member.
 - 3.1.4 Composite Assessment Review Board 2 shall consist of 2 Local Members and 1 Provincial Member.
- 3.2 The Assessment Review Boards shall carry out the duties and responsibilities as set out in the *Municipal Government Act* and the regulations.

4.0 Membership

- 4.1 A member of an assessment review board may not participate in a hearing of the board unless the member is qualified to do so in accordance with the regulations.
- 4.2 Local Members shall be appointed from time to time by resolution of Council and terms will be no longer than 3 years and made in such a manner that the expiry dates of the members are staggered. Council has the option to extend a Local Member's term if they so choose.
- 4.3 Council may appoint the same persons who serve as Local Members from the Composite Assessment Review Board to the Local Assessment Review Board.
- 4.4 One alternate Local Member may also be appointed by Council.
- 4.5 Council must by resolution specify the dates of the beginning and end of the term of office of a Local Member.
- 4.6 All Local Member vacancies shall be advertised to request formal submission of applications from any individuals holding an interest.
- 4.7 Appointments of Local Members will be made from those applicants responding on a timely basis to the advertised need.
- 4.8 There will be no automatic succession appointments.
- 4.9 The chairperson of the Board is chosen annually by the Local Members at its first meeting and will act as follows:
- 4.9.1 Preside over and be responsible for the conduct of the meetings;
 - 4.9.2 May limit a submission if it is determined to be repetitious or in any manner
- 4.10 In the absence of the chairperson or if the chairperson vacates the position, the Local Members present must choose an acting chairperson to serve in this capacity during such absence or vacancy.
- 4.11 Quorum shall be established by the *Municipal Government Act*.
- 4.12 A Local Assessment Review Board may include any combination of Council Members and Public Members and Local Assessment Review Board 1 may consist of either a Council Member or Public Member.
- 4.13 The CAO is designated as Clerk of the Assessment Review Boards, with no additional remuneration.

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4.14 The Clerk of the Assessment Review Boards may delegate the administrative duties of this position to any staff member.

4.15 The duties of the Clerk of the Assessment Review Boards are those set out in the Act and any regulations thereto.

5.0 Remuneration

5.1 Remuneration and travel expenses for Local Members shall be in accordance with the Volunteer Board /Committee Member Honorarium and Per Diem Policy 144/2007 and the Council Remuneration and Per Diem Policy 143/2007.

6.0 Complaint Fees

6.1 Fee for filing a complaint:

Single Family Residential (3 or fewer dwellings and farm land)	\$ 50.00
Residential (4 or more dwellings)	\$650.00
Non-Residential (Commercial)	\$650.00

This fee is to be refunded if the Assessment Review Board makes a decision in favour of the complainant or if the assessor makes a recommendation to the Assessment Review Board to vary the assessment in favour of the complainant.

6.2 Fees for providing assessment documents and information:

Residential Assessment:	\$10.00 plus \$1.25 per page for administration time and copying.
Non-Residential Assessment:	\$50.00 plus \$3.25 per page for administration time and copying.

7.0 Severability

If any Section or parts of this bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That Bylaw 15/2009 is hereby rescinded.

That this Bylaw shall come into full force and effect upon the final passing thereof.

READ a first time the 8th day of June, 2010

READ a second time the 22nd day of June, 2010

READ a third time and finally passed the 13th day of July, 2010

R. Lloyd Bertschi
Mayor

Edie Doepker
CAO