

## **VILLAGE OF ANDREW**

### **BYLAW NO. 2010-02**

The Council of the Village of Andrew properly assembled enacts as follows:

1. This bylaw is known as "Assessment Review Board Bylaw".

#### **Definitions**

2. In this bylaw:
  - (a) "Board" means the Assessment Review Board;
  - (b) "CARB" means the Composite Assessment Review Board in accordance with provincial regulations;
  - (c) "designated officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review board as required under section 455 of the Municipal Government Act;
  - (d) "LARB" means the Local Assessment Review Board established in accordance with provincial regulations;
  - (e) "member" means a member of the Assessment Review Board;

#### **Appointment of Board Members**

3.
  - (1) The board shall consist of members appointed by Council.
  - (2) When sitting as the CARB, the board shall include the provincial member appointed by the Minister of Municipal Affairs.

#### **Terms of Appointment**

4.
  - (1) All members are appointed for a three year term except in the initial year where the members are appointed until the organizational meeting in the first year.
  - (2) If a vacancy on the board occurs at any time, Council may appoint a new person to fill the vacancy for the remainder of the term.
  - (3) Council may appoint a new member to the board whose term will expire at the same time as the other board members.
  - (4) A member may be re-appointed to the board at the expiration of his term.

(5) Council may remove a member from the board.

### **Panels of the Board**

- 5
- (1) The board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels to consist of:
    - (a) three persons selected by the designated officer when the board is acting as a CARB or a LARB; or
    - (b) a single member selected by the designated officer when the board is acting as a single member CARB or a single member LARB.
  - (2) The designated officer may select any member to sit on a panel and shall designate the chairperson for each panel, provided however that:
    - (a) the provincial member must be the chairperson of a panel sitting as the CARB; and
    - (b) the provincial member must be the sole member of a panel sitting as a Single Member CARB.
    - (c) where possible, the designated officer shall include on a 3 person panel a member who is from the municipality.

### **Chairperson**

- 6
- (1) The chairperson of a panel:
    - (a) will preside over and be responsible for the conduct of meetings;
    - (b) may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
    - (c) will vote on matters submitted to the panel unless otherwise disqualified.

### **Jurisdiction of the Board**

- 7
- The board shall have jurisdiction to exercise the functions of a LARB and the functions of a CARB under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers.

### **Designated Officer of the Board**

- 8 (1) The designated officer of the board shall be a person designated by Council.
- (2) The designated officer shall:
- (a) shall assist the board in fulfilling its mandate.;
  - (b) prescribe the remuneration and expenses payable to each member of the board; and
  - (c) set the fees payable by a complainant for the filing of a complaint.

### **Meetings**

- 9 (1) Meetings will be held at such time and place as determined by the designated officer in consultation with the board.
- (2) The proceedings and deliberations of the board must be conducted in public except where the board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act*.

### **Quorum and Voting**

- 10 (1) The quorum for panels of the board shall be:
- (i) two members of a panel acting as a local assessment review board; and
  - (ii) one member of the board and the provincial member of a panel acting as a CARB.
- (2) All members must vote on all matters before the board unless a pecuniary interest or a conflict of interest is declared.
- (2) The majority vote of those members present and voting constitutes the decision of the board.
- (3) Where a member of a panel absents himself or herself from a panel to a conflict of interest or a pecuniary interest, the designated officer shall appoint a replacement member of the panel.

### **Conflict of Interest**

- 11 (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 of interest.
- (2) The designated officer shall cause a record to be made in the minutes of the members' absence and the reasons for it.
- (3) For the purposes of this provision, a member has a conflict of interest in a 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 issue; or
  - (b) substantial doubt as 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.

### **Pecuniary Interest**

- 12 (1) The pecuniary interest provisions of the MGA apply to all members of the board while attending meetings of the board, as though they were councillors attending meetings of council.
- (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.

### **Commencement of Appeals**

- 13 (1) A taxpayer 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 *'Matters Relating to Assessment Complaints'* regulation and within the time specified in the MGA; and
  - (b) paying the applicable fee.

### **Rules of Order**

- 14 The board shall make its own procedural rules, having due regard for the principles of procedural fairness.

### **Adjournments**

- 15 (1) The board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- (a) allowing the board to obtain a legal opinion or other professional guidance; or
  - (b) to allow a viewing by the board of the site in respect of which the appeal is being made.
- (2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the chairperson after consultation with the members individually (whether in person, by telephone or by email) without the need to convene a formal meeting. In such a case, the board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

### **Notice of Decisions & Record of Hearing**

- 16 (1) After the hearing of a complaint, the designated officer shall:
- (a) under direction of the chairperson, prepare minutes of the hearing, the decision or order of the board and the reasons for the decision in compliance with the MGA; and
  - (b) arrange for the order or decision of the board to be signed; and distributed in accordance with the requirements under the MGA.
- (2) The designated officer will maintain a record of the hearing.

### **Delegation of Authority**

- 17 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
- (a) its authority under MGA section 481(1) to set fees payable by complainants to the designated officer; and

- (b) its authority under section 454(2)(c) to prescribe the remuneration and expenses payable to each member of the assessment review board to the designated officer.

READ a first time on May 12, 2010.

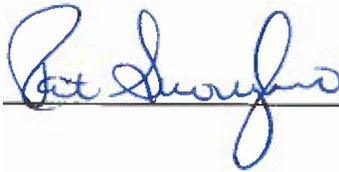
READ a second time on May 12, 2010.

READ a third time with unanimous consent of all councillors present on May 12, 2010.

Date May 12, 2010

  
Mayor

Date May 12, 2010

  
CAO