

BYLAW 681/10
TOWN OF ELK POINT #043

A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF ELK POINT IN THE PROVINCE OF ALBERTA, IN RELATION TO THE ESTABLISHMENT OF REGIONAL ASSESSMENT REVIEW BOARDS

WHEREAS, pursuant to section 456, two or more councils may agree to jointly establish the assessment review boards to have jurisdiction in their municipalities;

WHEREAS, the County of St. Paul No. 19, the Town of St. Paul, the Town of Elk Point, and the Summer Village of Horseshoe Bay wish to establish assessment review boards to have jurisdiction in these municipalities;

WHEREAS, pursuant to section 454 of the *Municipal Government Act*, RSA 2000, 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 the section 454.1(2) of the *Municipal Government Act*, a council may establish a local assessment review board consisting of only one member;

WHEREAS, pursuant to section 454.2(3) of the *Municipal Government Act*, a council may establish a composite assessment review board consisting of only one member;

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 section 454.1(2) of the *Municipal Government Act*, a council may appoint a person to each one member local assessment review board;

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

WHEREAS, 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 the Town of Elk Point, in the Province of Alberta, duly assembled hereby enacts:

Title

1. This Bylaw may be cited as the Regional Assessment Review Boards Bylaw.

Definitions

2. Except as otherwise provided herein, words in this Bylaw shall have the meaning prescribed in the *Municipal Government Act*. In this Bylaw:
 - A) "Authorized Substitute" means a Member who is authorized for appointing to fill a Vacancy;
 - B) "Citizen-at-Large" means a person who does not represent a specific organization and is a resident of a Regional Member Municipality;
 - C) "Council" means the Council of the Town of Elk Point;
 - D) "Member" means a member of a Local Assessment Review Board or Composite Assessment Review Board duly appointed by a Regional Member Municipality and may include members of Council and Citizens-at-Large;
 - E) "Regional Member Municipality" means those municipalities which enter into an Agreement with the County of St. Paul No. 19 to jointly establish assessment review boards and who enact a bylaw in this format;

- F) "Vacancy" means an absence from a hearing due to
- i) A pecuniary interest in the subject matter of the complaint;
 - ii) A direct or indirect interest in the complaint;
 - iii) A Member's ill health or other emergency; or
 - iv) A Member's unavailability

Assessment Review Boards

3. Council hereby establishes the following assessment review boards for the Town of Elk Point:
- A) Local Assessment Review Board No. 1 shall consist of three (3) Members;
 - B) Local Assessment Review Board No. 2 shall consist of three (3) Members;
 - C) Local Assessment Review Board No. 3 shall consist of three (3) Members;
 - D) Composite Assessment Review Board No. 1 shall consist of one (1) Provincial Member and two (2) Members;
 - E) Composite Assessment Review Board No. 2 shall consist of one (1) Provincial Member and two (2) Members;
 - F) Single member Local Assessment Review Board No. 1 shall consist of one (1) Member;
 - G) Single member Local Assessment Review Board No. 2 shall consist of one (1) Member;
 - H) Single member Composite Assessment Review Board No. 1 shall consist of one (1) Provincial Member appointed by the Minister responsible for the administration of the *Municipal Government Act*.

Membership, Terms of Appointment and Vacancies

- 4. Each Regional Member Municipality may appoint, by Council resolution, two Members, with the exception of the Summer Village of Horseshoe Bay who may appoint one Member.
- 5. Unless otherwise specified in the Council resolution, all Members are appointed for three-year terms, except in the first year of this Bylaw where three Members are appointed for a three-year term and three Members are appointed for a two-year term.
- 6. A Local Assessment Review Board may include any combination of Council Members and Citizens-at-Large.
- 7. The two Members appointed to a Composite Assessment Review Board may be comprised of any combination of Council Members and Citizens-at-Large.
- 8. A Member is an Authorized Substitute for any other Member due to a Vacancy at any Local Assessment Review Board or Composite Assessment Review Board Hearing.
- 9. In the event a Member resigns prior to the end of their term, the Regional Member Municipality who appointed that Member, may appoint a replacement for the resigning Member to fill the remainder of the resigning Member's term.
- 10. A Member may be re-appointed at the expiration of the Member's term.
- 11. A Member may resign at any time on written notice to the designated officer and the Regional Member Municipality who appointed the Member.

12. A Regional Member Municipality may remove a Member appointed by the Regional Member Municipality at any time, and upon doing so must notify the Member and the designated officer in writing.
13. A Member who fails to comply with the pecuniary interest provisions in section 480 of the *Municipal Government Act*, ceases to be a Member.

Remuneration

14. Remuneration and travelling expenses for Members shall be in accordance with remuneration as specified under the policy of the County of St. Paul No. 19.

Designated Officer

15. A) The Designated Officer, pursuant to section 455 of the *Municipal Government Act*, shall be the Chief Administrative Officer of the County of St. Paul No. 19.

B) The duties and remuneration of the designated officer, pursuant to section 455 of the *Municipal Government Act*, shall be as directed by the *Municipal Government Act*, the *Matters Relating to Assessment Complaints Regulations*, and the Agreement signed by the Regional Partner Municipalities.

Assessment Complaint Fees

16. The fees payable, pursuant to section 481(1) of the *Municipal Government Act*, shall be those established by the County of St. Paul No. 19 policy, provided that such fees do not exceed the maximum fees in the *Matters Relating to Assessment Complaints Regulations*.

Severability

17. If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

FIRST READING the 24TH day of MAY 2010.

SECOND READING the 24TH day of MAY 2010.

PASSED AT THE THIRD READING the 24TH day of MAY 2010.

Mayor

Chief Administrative Officer