



Town of Lamont

A BYLAW OF THE TOWN OF LAMONT
IN THE PROVINCE OF ALBERTA

BYLAW 02/19

BEING A BYLAW OF THE TOWN OF LAMONT FOR THE PURPOSE OF ESTABLISHING ASSESSMENT REVIEW BOARDS AND ESTABLISHING THE ASSESSMENT REVIEW BOARD CLERK POSITION AS A DESIGNATED OFFICER

WHEREAS pursuant to Section 454(1) of the *Municipal Government Act*, Chapter M-26, 2000, as amended, Council may by bylaw establish one or more local assessment review boards and one or more composite assessment review boards; and

WHEREAS pursuant to Sections 454.1 and 454.2 of the *Municipal Government Act*, Council must appoint the required number of persons to assessment review boards; and

WHEREAS pursuant to Section 455(1) of the *Municipal Government Act*, Council must appoint a designated officer to act as the clerk of the assessment review boards having jurisdiction in the municipality and prescribe the remuneration and duties of that person; and

WHEREAS pursuant to section 203 of the *Municipal Government Act*, as amended, Council may by bylaw delegate powers, duties and functions to a designated officer; and

WHEREAS Council of the Town of Lamont wishes to pass a bylaw for the purpose of establishing a Local Assessment Review Board and a Composite Assessment Review Board, and to establish a position to carry out the powers, duties and functions of Assessment Review Board Clerk;

NOW THEREFORE the Council of the Town of Lamont, duly assembled and under the authority of the *Municipal Government Act*, as amended, hereby establishes a Local Assessment Appeal Board and a Composite Assessment Review Board to perform certain duties and responsibilities as set out in the *Municipal Government Act*, and enacts the following:

BYLAW TITLE

- 1. This Bylaw is to be cited as the "Assessment Review Board Bylaw".

DEFINITIONS

- 2. In this Bylaw, the following terms shall have the following meanings, unless the context specifically requires otherwise:
 - a. "Act" means the *Municipal Government Act*, R.S.A 2000, c. M-26, as amended.
 - b. "Assessment Review Board" means either the Local Assessment Review Board or the Composite Assessment Review Board.
 - c. "Assessment Review Board Clerk" means the designated officer position that is designated by Council to carry out the powers, duties and functions of the Assessment Review Board Clerk, pursuant to the *Municipal Government Act* regarding Assessment Review Boards.

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- d. "Authorized Substitute" shall mean an individual who is appointed to fill a vacancy.
- e. "Clerk" means Assessment Review Board Clerk.
- f. "Capital Region Assessment Services Commission" shall mean the regional services commission established by AR 77/1996.
- g. "Complaint" means a complaint under Part 11 of the Municipal Government Act.
- h. "Composite Assessment Review Board" means a Board established to hear and make decisions on complaints about any matter referred to in the Act that is shown on an assessment notice for non-residential property and residential property with four (4) or more dwellings.
- i. "Council" means the Mayor and Councillors of the Town of Lamont duly elected pursuant to the provisions of the *Local Authorities Election Act*.
- j. "Local Assessment Review Board" means a Board established to hear and make decisions on complaints about any matter referred to in the Act that is shown on an assessment notice for residential property with three (3) or fewer dwelling units, or farmland, or shown on a tax notice other than a property tax notice.
- k. "Member" means an individual appointed under this bylaw as a member of the Assessment Review Board.
- l. "Minister" means the Minister determined by the Province of Alberta to be responsible for the Act.
- m. "Provincial member" means a member of the Composite Assessment Review Board appointed by the Minister of Municipal Affairs.

CLERK APPOINTMENT AND DELGATION

- 3. The designated officer position of Assessment Review Board Clerk is hereby established.
- 4. Council appoints the Manager of the Capital Region Assessment Services Commission to the position of clerk for the Local Assessment Review Board and the Composite Assessment Review Board.
- 5. The Clerk is authorized to further delegate, and to authorize further delegations of powers, duties, and functions to another person.
- 6. Notwithstanding this Bylaw, the Clerk is accountable to Council for the exercise of all powers, duties, and functions delegated to the Clerk.

ESTABLISHMENT OF BOARDS

- 7. The Town hereby establishes the following:
 - a. One person Local Assessment Review Board;
 - b. One person Composite Assessment Review Board;
 - c. Three person Local Assessment Review Board; and

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d. Three person Composite Assessment Review Board.

- 8. Council shall by resolution appoint Members from a list of individuals from the Capital Region Assessment Services Commission qualified to sit as Members, such list to be prepared by the Clerk.
- 9. Unless otherwise stated the term of office for an appointed member is two (2) years. Council may appoint a Member for more than one (1) term.

ROLES

- 10. The Clerk shall maintain a list of individuals from the Capital Region Assessment Services Commission qualified to sit as Assessment Review Board Members and provide such list to Council for its use in the appointment of Assessment Review Board Members.
- 11. The Clerk shall assist the Assessment Review Board in fulfilling its mandate and maintain a record of current Members of the Assessment Review Board.
- 12. The Clerk shall schedule Assessment Review Board Members to hear complaints when necessary.
- 13. The Clerk shall determine which matters may be heard by a One Person Board and which matters shall be heard by a Three Person Board in accordance with Park 3 of the *Matters Relating to Assessment Complaints Regulation, AR 310/2009*, as amended.
- 14. The Board will conduct hearings in accordance with:
 - a. The express provisions of the Act and related regulations;
 - b. Principles of natural justice and procedural fairness; and
 - c. Policies and procedures approved by Town of Lamont.
- 15. After the hearing of a complaint, the Clerk shall:
 - a. Under direction of the chairperson, prepare the decision or order of the Board and the reasons for the decision in compliance with the Act; and
 - b. Arrange for the order and decision of the Board to be signed and distributed in accordance with the requirements under the Act.
- 16. The Clerk will maintain a record of the hearing in accordance with the Act.
- 17. In the event of a vacancy, the Clerk shall select an Authorized Substitute, from the list of individuals adopted by Council resolution to fill the vacancy.
- 18. If no Authorized Substitute is available to fill a vacancy, the Mayor may appoint an individual as an acting member of the Board in accordance with the Act.

COMING INTO FORCE AND REPEAL

- 19. Should any provision of this Bylaw be invalid, then such provision shall be severed, and the remaining Bylaw shall be maintained.
- 20. This Bylaw comes into effect on the final passing thereof.

Initials BA SO

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21. That Bylaw No.04/10 and all subsequent amendments are hereby repealed.

READ A FIRST TIME THIS 12 DAY OF March, 2019 A.D.

[Signature]
Mayor [Signature]
Chief Administrative Officer

READ A SECOND TIME THIS 12 DAY OF March, 2019 A.D.

[Signature]
Mayor [Signature]
Chief Administrative Officer

READ A THIRD TIME THIS 12 DAY OF March, 2019 A.D.

[Signature]
Mayor [Signature]
Chief Administrative Officer