

PROPOSED

ITEM #11.3.2
PFC2018-0108
ATTACHMENT 1

BYLAW NUMBER 15M2018

BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH A LOCAL ASSESSMENT REVIEW BOARD AND A COMPOSITE ASSESSMENT REVIEW BOARD *****

WHEREAS Part 11 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “Act”), sets out provisions with respect to the establishment and functions of assessment review boards;

AND WHEREAS section 454 of the *Act* provides that a council must by bylaw establish a local assessment review board and a composite assessment review board for the purpose of hearing complaints regarding those matters set out in section 460.1 of the *Act*;

AND WHEREAS section 145 of the *Municipal Government Act* provides that a council may pass bylaws relating to the functions, procedure and conduct of bodies established by the council;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

INTERPRETATION AND DEFINITIONS

1. (1) The Bylaw may be cited as the “Calgary Assessment Review Board Bylaw”.
- (2) In this Bylaw:
 - (a) “*Assessment Review Board*” means the Local Assessment Review Board and Composite Assessment Review Board established by sections 2(1) and 3(1) of this Bylaw;
 - (b) “*City Clerk*” means the person appointed as designated officer under Bylaw 73M94, or that person’s designate;
 - (c) “*City Manager*” means the person designated by Council as its chief administrative officer, or that person’s designate;
 - (d) “*complaint*” means a complaint about an assessment or tax applicable to a particular assessment or tax roll number as described in section 460 of the *Municipal Government Act*;
 - (e) “*Council*” means the municipal council of the City of Calgary described in sections 142 and 143 of the *Municipal Government Act*;

PROPOSED

ITEM #11.3.2
BYLAW NUMBER 15M2018

- (f) “*provincial member*” means a person appointed to the Composite Assessment Review Board pursuant to subsection 454.21(2) of the *Municipal Government Act* and section 52 of the *Matters Relating to Assessment Complaints Regulation, 2018*, AR 201/2017.
- (3) Where this Bylaw refers to a statute, regulation or other bylaw, it includes reference to any statute, regulation or other bylaw that may be substituted in its place.
- (4) Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- (5) All schedules attached to this Bylaw form part of this Bylaw.

LOCAL ASSESSMENT REVIEW BOARD

- 2. (1) There is hereby established the Local Assessment Review Board for the City of Calgary pursuant to section 454 of the *Municipal Government Act*.
- (2) Council may by resolution appoint persons as members of the Local Assessment Review Board.

COMPOSITE ASSESSMENT REVIEW BOARD

- 3. (1) There is hereby established the Composite Assessment Review Board for the City of Calgary pursuant to section 454 of the *Municipal Government Act*.
- (2) Council may by resolution appoint persons as members of the Composite Assessment Review Board, other than provincial members.

GENERAL CHAIR

- 4. (1) Council must by resolution designate one of the members of the Assessment Review Board as the General Chair, who shall serve as chair of both the Local Assessment Review Board and the Composite Assessment Review Board.
- (2) All members of the Local Assessment Review Board and Composite Assessment Review Board, including provincial members, shall report to the General Chair concerning administrative matters.
- (3) The General Chair may establish rules, procedures and policies for the administration of the Assessment Review Boards.
- (4) The General Chair shall not establish any rule, procedure or policy that is inconsistent with the *Municipal Government Act*, its regulations, or this Bylaw.

PROPOSED

ITEM #11.3.2
BYLAW NUMBER 15M2018

VICE-CHAIRS

5. (1) The General Chair must annually appoint a first Vice-Chair and a second Vice-Chair from among the members of the Assessment Review Board.
- (2) The General Chair may delegate to the Vice-Chairs any of the powers, duties or functions of the General Chair of the Assessment Review Board.
- (3) If the General Chair is incapacitated or otherwise unable to act, the first Vice-Chair may exercise any of the General Chair's powers.
- (4) If the General Chair and the first Vice-Chair are incapacitated or otherwise unable to act, the second Vice-Chair may exercise any of the General Chair's powers.

TERM

6. (1) The members of the Local Assessment Review Board and the members, other than provincial members, of the Composite Assessment Review Board shall hold office for a twelve-month term commencing on January 1st and ending on December 31st.
- (2) Despite subsection (1), the members first appointed pursuant to this Bylaw shall hold office for a term commencing on April 1st, 2018 and ending on December 31, 2019.

TERM LIMITS

7. (1) A member of the Local Assessment Review Board and a member, other than a provincial member, of the Composite Assessment Review Board shall not serve more than a cumulative maximum of twelve terms.
- (2) Any terms served by a member prior to April 1, 2017 are not included in the calculation of terms served for the purposes of subsection (1).

VACANCIES

8. (1) If a vacancy occurs on the Local Assessment Review Board, Council may by resolution appoint a person to fill the vacancy.
- (2) If a vacancy, other than that of a provincial member, occurs on the Composite Assessment Review Board, Council may by resolution appoint a person to fill the vacancy.
- (3) A person appointed to fill a vacancy pursuant to subsection (1) or (2) shall hold office for the remainder of the current term. A partial term served pursuant to this section is not included in the calculation of terms served for the purposes of section 7.

PROPOSED

ITEM #11.3.2
BYLAW NUMBER 15M2018

REMUNERATION OF MEMBERS

9. (1) The remuneration and expenses payable to each member shall be determined by the Clerk of the Assessment Review Board in consultation with the General Chair.
- (2) The remuneration and expenses payable to the General Chair shall be determined by the Clerk of the Assessment Review Board in consultation with the City Manager.

CLERK OF THE ASSESSMENT REVIEW BOARDS

10. The City Clerk is hereby appointed as the designated officer to act as the Clerk of the Assessment Review Board.

SCHEDULING OF HEARINGS

11. Upon receiving a complaint, the Clerk of the Assessment Review Board shall, in consultation with the General Chair, set a date, time and location for a hearing before the Assessment Review Board.

FEES

12. The Clerk of the Assessment Review Board may charge fees as set out in Schedule A attached hereto.

REPEAL AND TRANSITION

13. (1) Bylaw 25M2010, the Calgary Assessment Review Board Bylaw, is hereby repealed.
- (2) Despite the repeal of Bylaw 25M2010:
 - (a) that bylaw continues to apply to all complaints filed on or before December 31, 2017; and
 - (b) any Assessment Review Board appointed pursuant to that bylaw continues until March 31, 2018 or until such time as all complaints before such an Assessment Review Board have been resolved.

PROPOSED

ITEM #11.3.2
BYLAW NUMBER 15M2018

COMING INTO FORCE

14. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____

PROPOSED

ITEM #11.3.2
BYLAW NUMBER 15M2018

SCHEDULE A

FEES

Copy of Notice of Hearing	\$10.00
Copy of Notice of Decision	\$10.00
Copy of Hearing Recording	\$50.00