

**City Clerk's Report to  
Priorities and Finance Committee  
2016 June 07**

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PFC2016-0502  
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## **ASSESSMENT REVIEW BOARD MEMBER APPOINTMENT CYCLE**

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### **EXECUTIVE SUMMARY**

A new annual cycle for appointments to the Calgary Assessment Review Board (ARB) is being proposed so that appointments to the Board can be made by Council each year after the volume of assessment complaints to be heard is known.

### **CITY CLERK'S RECOMMENDATIONS**

That the Priorities and Finance Committee recommend that Council:

1. Direct Administration to draft amendments to the Calgary Assessment Review Boards Bylaw, Bylaw 25M2010, as amended, for Q3 2016 in order to:
  - a. establish a new appointments cycle and,
  - b. establish transitional provisions to extend the appointments of current Board members to March 2017.

### **PREVIOUS COUNCIL DIRECTION / POLICY**

Members of the Calgary Assessment Review Board are appointed under terms of the *Municipal Government Act* (MGA) and the Calgary Assessment Review Boards Bylaw, Bylaw 25M2010, as amended.

The *Matters Relating to Assessment Complaints Regulation* (MRAC) establishes that assessors, tax agents and municipal employees cannot be ARB members.

At its 2015 April 25 Regular Meeting, Council adopted a new Council policy on Governance and Appointments of Boards, Commissions and Committees. Members of the ARB must meet the requirements of that new policy and therefore must be 18 years of age or older, and a current resident of Calgary.

### **BACKGROUND**

The *Municipal Government Act* (MGA) requires municipalities to establish, by bylaw, one or more local assessment review boards (LARB) and one or more composite assessment review boards (CARB) to hear assessment complaints. Council must appoint three people to each LARB; prescribe the term of office, the manner in which vacancies are to be filled, and the remuneration and expenses payable to members. Municipalities must also appoint two local members to each CARB, which are chaired by members of the Alberta Municipal Government Board (MGB).

MRAC also requires that all assessment review board members must successfully complete a training program provided by the Alberta Municipal Government Board, and also that they successfully complete a refresher training program every three years.

The Quasi-Judicial Boards (QJB) division of the City Clerk's Office annually commences public advertising for new ARB members in September each year, including a variety of print and

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electronic advertising, social media marketing and targeting publications focused on professionals in real estate and other relevant fields. Letters are also mailed to current members to solicit their interest in reappointment.

Applications for membership on the Board are received and organized by QJB staff, and then passed on to a panel of the ARB composed of the incumbent General Chairman and the Board's two Vice-Chairs. The panel independently reviews the resumes of the applicants, shortlists and interviews candidates, and assesses the qualifications of applicants for suitability to the Board. The interview panel has typically found that interviews are a valuable screening tool, as they help the panel members evaluate candidates' qualifications and the degree of commitment they might be expected to contribute to the work of the ARB. Interviews also give candidates an opportunity to have their questions answered and be informed of the anticipated time commitment required.

The Calgary ARB seeks to recommend candidates for appointment to the Board who have appropriate subject-matter expertise in areas such as: assessment, property management, development, appraisal, real estate, or law. Candidates who are the best fit and whose capabilities complement the Board are recommended for appointment. The time commitments for ARB members are high: hearings are held daily from as early as April until the beginning of December each year. Members conduct assessment review hearings regularly during that time as well as write decisions.

In making its recommendations, the Board's interview panel is alive to the benefit of having a diversity of perspectives and subject-matter expertise to draw upon. A breakdown of the Board's proposed subject matter expertise is provided to Council with the Board's recommendations. In addition, the Board is actively engaged in succession planning through the development of presiding officers and the engagement and ongoing training of its Vice-Chairs.

## **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

Changes to the timing of the appointment cycle for the Calgary ARB are being proposed to provide better alignment between the number of ARB member appointments made by Council and the resources required to address the complaints that are actually filed with the Board.

A number of changes to the ARB Bylaw are under consideration at this time; however, the changes to the ARB member appointment cycle proposed in this report are time-sensitive and being advanced now so that Council's direction and necessary bylaw changes can be established well in advance of planning and implementation of the next appointment cycle.

The Calgary ARB is the largest of its kind in Alberta, typically dealing with close to double the number of assessment complaints received annually by the next closest in size, the Edmonton ARB.

Unlike many other boards appointed by Council, the ARB does not have a fixed size. The number of members appointed to the Board each year varies according to the

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recommendations of the Board and Council's subsequent appointment of members, as well as the attrition of members, due to a variety of causes.

Under the current appointment cycle, recommendations for appointments to the ARB, as well as Council's actual appointments, have to be completed well in advance of the end of the Complaint Period, which runs for 60 days, typically between early January and early March. It is only after the complaint period closes that the number of assessment complaints is known.

The number of appointments recommended to Council by the Board's panel is therefore based at least in part on speculation about the number of complaints the Board's panel feels may be forthcoming in the following year, but it is very challenging to anticipate that volume with any accuracy, even with the benefit of experience and subject-matter expertise.

By changing the timing of the recruitment and appointments to early in each calendar year, the Board's panel would be better positioned to recommend to Council a volume of member appointments that is aligned with the volumes of complaints that need to be heard and decided.

	<b>Current Appointment Cycle</b>	<b>Proposed Appointment Cycle</b>
Advertising	September	January
Screening / Interviewing	October	February
Volume of complaints known	Mid-March (in following year)	Mid-March
Recommendations Formed	November	Mid-March
Report to Council – Appointments by Bylaw	December	Late March
Training	February / March	Early April
Hearings Commence	Late April	Late April

This will provide Council with greater confidence that the number of appointments it makes to the ARB is aligned with well-defined business need, and should ensure there are adequately trained member resources available to hear assessment complaints by late April, when hearings typically commence.

### **Stakeholder Engagement, Research and Communication**

The General Chairman of the Assessment Review Board, Mr. Walt Paterson, has recommended a change in the timing of appointments to the Calgary Assessment Review Boards. In the 2011-2013 Quasi-Judicial Boards report, for example, Mr. Paterson indicated that the current appointment cycle:

...is not a practical situation as it applies to the Local Assessment Review Board (LARB), as it is not known until the beginning of March what the volume of complaints will be and thus the manpower required. It is suggested that this policy be changed so that advertisements are published during the last two weeks of February and Board member selection made [sic] in early March.

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The Alberta Municipal Government Board (MGB), which provides mandatory training to ARB members, was consulted about the availability of member training during the window of time afforded by the new appointment cycle proposed in this report. The MGB has indicated that it would be prepared to ensure that training is available for newly appointed members in early April each year, so that those members are appropriately prepared to participate in hearings commencing later in April.

The Edmonton ARB changed its appointment cycle in 2013 to introduce spring intake of members, which it has also coordinated with training provided by the MGB.

### **Strategic Alignment**

The recommendations in this report align with Council's priority relating to a well-run city.

### **Social, Environmental, Economic (External)**

The re-alignment of the appointment cycle for the ARB proposed in this report provides better alignment of human resources, in this case prospective members, with the business demand presented by fluctuating volumes of assessment complaints. Individuals with subject matter expertise in fields required by the ARB are sought after by the MGB and other boards and agencies, and so the appointment process needs to be efficient and serve the business needs of the ARB.

### **Financial Capacity**

#### **Current and Future Operating Budget:**

A new annual cycle for appointment of ARB members should provide more accurate budgeting for training and support costs.

#### **Current and Future Capital Budget:**

None

### **Risk Assessment**

Council has a statutory obligation to appoint assessment review boards to hear complaints of assessments, pursuant to the requirements of the MGA. Continuing the current appointment cycle for the Calgary ARB means the continuation of a risk that the number of appointments made to the Board is out of step with the volume of complaints filed each year. If not enough members are appointed in time, further appointments and bylaw amendments would need to be brought forward as urgent business, causing unnecessary demands on administration and disruption to the business cycle, as well as a potential risk that necessary training may not be available at that time. If too many members are appointed, Board size and support costs (e.g. to support training) may exceed what is necessary, and there may be an inadequate level of engagement for many individual members of the Board.

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**REASON(S) FOR RECOMMENDATION(S):**

The re-alignment of the appointment cycle for the ARB proposed in this report provides better alignment of human resources, in this case prospective members, with the business demand presented by fluctuating volumes of assessment complaints.

**ATTACHMENT(S)**

None