

**City Clerk's Report to  
Priorities and Finance Committee  
2018 March 06**

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## **Assessment Review Board Bylaw**

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### **EXECUTIVE SUMMARY**

The City Clerk is recommending that the Calgary Assessment Review Board (ARB) Bylaw be repealed and replaced to allow for the following changes:

- align the Bylaw with amended provisions of the *Municipal Government Act* (MGA);
- align the Board's appointment cycle so that appointments can be made through Council's Organizational meeting; and,
- support Board governance and leadership, through minor organizational changes.

### **ADMINISTRATION RECOMMENDATIONS:**

That the Priorities and Finance Committee recommend that Council:

1. Repeal and replace the Calgary Assessment Review Boards Bylaw 25M2010; and
2. Give three readings to the proposed Bylaw (Attachment 1).

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

At its 2016 October 03 Combined Meeting, Council amended the Calgary Assessment Review Boards Bylaw, Bylaw 25M2010, by giving three readings to Bylaw 37M2016, which established a new appointment cycle and transitional provisions for appointments of ARB members.

At its 2016 April 25 Regular Meeting, Council adopted a new Council policy on Governance and Appointments of Boards, Commissions and Committees (CP2016-03). Members of the ARB must meet the eligibility requirements of that policy and therefore must be 18 years of age or older, and current residents of Calgary.

### **BACKGROUND**

Members of the Calgary Assessment Review Board are currently appointed under terms of the MGA and the Calgary Assessment Review Boards Bylaw, Bylaw 25M2010, as amended.

### **INVESTIGATION: ALTERNATIVES AND ANALYSIS**

With the proclamation of the *Modernized Municipal Government Act*, (MGA) rules relating to the formation and appointment of assessment review boards have changed. Due to the extent and nature of changes required to align the Bylaw with requirements of the MGA, a new Bylaw is proposed to replace the present Bylaw for the Assessment Review Board.

The MGA now requires Council to establish, by Bylaw, a local assessment review board (LARB) and a composite assessment review board (CARB) to hear assessment complaints.




The changes to the MGA simplify the establishment and organization of assessment review boards.

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The changes achieve the following objectives:

<i>Previous MGA provisions</i>		<i>Modernized MGA enactment</i>
Did not establish authority of board chairs		Establishes authority of board chairs
Multiple boards made up of two or three members had to be established by Council		Council must establish only two boards – a LARB and a CARB, and may appoint as many members to each as Council deems necessary to address the Board's caseload.
Multiple boards made up of two or three members had to be established by Council		Board chairs may assign different combinations of members in panels to hear complaints

ARB Leadership

The proposed Bylaw maintains leadership of the ARB through the position of a single General Chair, appointed by Council. Additionally, the proposed Bylaw formalizes the creation of the ARB Vice-Chair positions by the Board. Previously, the ARB appointed part-time Vice-Chairs to address succession planning and meet operational challenges arising from its membership and high-volume caseload. Defining the roles of the Vice-Chair positions in the Bylaw ensures the Vice-Chair's authority to act, and perform in the absence of the General Chair.

Alignment with BCC Appointment cycle

Currently, recruitment for members occurs in the first quarter of a calendar year with terms starting April 1 and completing March 30 of the following year. The proposed Bylaw seeks to change the ARB appointment term to align with the next calendar year. To affect this change, a transitional appointment term has been included in the proposed Bylaw; thereafter, ARB member appointments will be made through Council's annual Organizational Meeting and members will be appointed for the following calendar year.

This change will align appointments to The City's Tribunals with that of candidates appointed to other City Boards, Commissions and Committees (BCC's). Amendments to Council's BCC policy to implement these changes will be proposed to Council by the City Clerk, under a separate report, in Q2 2018.

Other improvements in the proposed Bylaw include:

- Defining the General Chair's role in supervising the work of the Board and ensuring that the independence of board members is clearly articulated.
- A \$50 fee for providing a copy of a recording for a hearing, if requested. Transcripts are no longer available.
- Minor amendments, including the use of gender-neutral drafting standards.

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

The General Chair and Vice-Chairs of the Assessment Review Board have been consulted and support the proposed Bylaw.

### **Strategic Alignment**

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

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

There are no direct social, environmental, or external economic implications as a result of this report.

### **Financial Capacity**

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

None

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

None

### **Risk Assessment**

Council must establish assessment review boards to hear complaints of assessments, pursuant to the requirements of the MGA. Council's authority to establish the assessment review boards and appoint members must be aligned with the framework presented in the MGA. Three readings should be given to the proposed Bylaw prior to Council's appointment of members to the Calgary Assessment Review Board for 2018-2019, to ensure that the Board's jurisdiction to hear complaints will be clearly established.

<h3><b>REASON(S) FOR RECOMMENDATION(S):</b></h3> <p>The proposed Calgary Assessment Review Board Bylaw integrates changes required by the new Municipal Government Act and affects operational efficiencies.</p>
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### **ATTACHMENT(S)**

1. Attachment 1 – Proposed Bylaw