

CITY OF COLD LAKE
BYLAW #615-BD-17

**A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO
ESTABLISH THE LOCAL ASSESSMENT REVIEW BOARD**

WHEREAS section 454(a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, directs Council to pass a bylaw to establish the local assessment review board;

WHEREAS Council wishes to establish a Local Assessment Review Board for the City of Cold Lake;

NOW THEREFORE, pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

- 1.1 This Bylaw shall be cited as the “Cold Lake Local Assessment Review Board Bylaw”.

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1 “Board” means Cold Lake Local Assessment Review Board as provided for in the Bylaw;
- 2.2 “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires.
- 2.3 “Clerk” means a person appointed to the position of clerk of the Board pursuant to this Bylaw;
- 2.4 “Council” means the Mayor and Members of Council of Cold Lake;
- 2.5 “Member of Council” means an elected member of the Council of Cold Lake;
- 2.6 “Organizational Meeting of Council” means the annual organizational meeting of Council as set out in the Cold Lake Procedural Bylaw;

SECTION 3 - ESTABLISHMENT

- 3.1 A Board is hereby established pursuant to section 454(a) of the *Municipal Government Act*, RSA 2000, c M-26, as amended.

SECTION 4 – MANDATE

- 4.1 The mandate of the Board is to hear complaints referred to in section 460.1(1) of the *Municipal Government Act*, RSA 2000, c M-26, as amended.

SECTION 5 – BOARD MEMBERSHIP

- 5.1 Council shall appoint at least three (3) persons as members of the Board, at least two (2) of whom must not be a Member of Council.
- 5.2 Council shall ensure there are at least three (3) persons appointed to the Board at all times by appointing new members by resolution of Council, as needed.
- 5.3 All persons appointed as members of the Board shall be residents of the City of Cold Lake and shall remain members of the Board only during such time as they continue to be residents of the City of Cold Lake, unless the Council passes a resolution stating otherwise.

- 5.4 A member of the Board shall complete all training and qualification requirements accordance with section 454.3 of the *Municipal Government Act*, RSA 2000, c M-26, as amended prior to hearing a complaint.

SECTION 6 – BOARD MEMBER TERM OF OFFICE

- 6.1 The term of office for the Board members shall be for a maximum of two (2) years,
- 6.1.1 commencing on the date of the Organizational Meeting of Council, unless there is a vacancy or Council has provided otherwise by resolution, and
 - 6.1.2 expiring on the date of the Organizational Meeting of Council in the year of the expiry of the term, unless Council has provided otherwise by resolution.
- 6.2 Council may reappoint any member of the Board to additional term(s) should Council deem such reappointment to be in the best interests of the City and the Board.
- 6.3 In the event of a vacancy occurring prior to completion of the appointed term, the person appointed to fill the vacancy shall hold office for the remainder of the term for the position in which the vacancy has arisen. Completion of the unexpired term shall not be considered a full term appointment.
- 6.4 Council may, with reason; request the resignation of any member of the Board at any time prior to the expiry date of the member's term of office.
- 6.5 Any member may resign from the Board at any time upon sending a written notice to the Clerk advising of the resignation and the effective date.

SECTION 7 - CHAIRPERSON

- 7.1 Council shall designate one of the Members appointed in accordance with this Bylaw as the Chairperson of the Board.
- 7.2 The term of office for the Chairperson shall:
- 7.2.1 be prescribed by Council at the time of the Chairperson's designation;
 - 7.2.2 not exceed the Chairperson's term of office on the Board;
 - 7.2.3 automatically expire upon the Chairperson ceasing to be a member of the Board;
- 7.3 Council may reappoint the Chairperson to additional term(s) should Council deem such reappointment to be in the best interests of the City and the Board.
- 7.4 The Chairperson may resign from the role of Chairperson at any time upon sending a written notice to the Clerk advising of the resignation and the effective date.
- 7.5 The duties of the Chairperson shall consist of:
- 7.5.1 convening a panel of members to hear a complaint in accordance with section 9 of this bylaw;
 - 7.5.2 direct consultation with the Clerk;
 - 7.5.3 such other duties as per the *Municipal Government Act*, RSA 2000, c M-26, as amended.
- 7.6 The Chairperson may delegate any of the powers, duties and functions of the Chairperson to any other member of the Board.

SECTION 8 - REMUNERATION AND EXPENSES

- 8.1 Members of the Board shall receive a per diem in accordance with the City of Cold Lake Policy No. 123-AD-10, Council Honorarium and Per Diem Policy.

- 8.2 The Chairperson of the Board shall receive a per diem in accordance with the City of Cold Lake Policy No. 123-AD-10, Council Honorarium and Per Diem Policy.
- 8.3 The Chairperson may make a formal request to Council on behalf of any member of the Board for remuneration and reimbursement of any traveling and living expenses where Council requests a member attend a conference, seminar or other meeting outside of the jurisdiction of the City. Council shall be under no obligation to reimburse or remunerate any member. Remuneration and/or reimbursement shall be at the sole discretion of Council.

SECTION 9 – HEARINGS

Appointing a Panel to Hear a Complaint

- 9.1 When a hearing is to be held in respect of a complaint, the Chairperson shall convene a panel of three (3) of its members in accordance with section 454.11 of the *Municipal Government Act*, RSA 2000, c M-26, as amended to hear the complaint.
- 9.2 The Chairperson must not appoint more than one (1) Member of Council to a three (3) member panel.
- 9.3 Despite section 9.1 of this Bylaw, a panel of the Board may consist of only one (1) member in specific instances provided for by section 454.11(2) of the *Municipal Government Act*, RSA 2000, c M-26, as amended. A Member of Council must not be the member appointed by the Chairperson for a one (1) member panel.

Hearing Procedure

- 9.3 The panel members must choose a presiding officer from among themselves. If the panel is a one (1) member panel as per section 9.3 of this Bylaw, the one (1) member shall be the presiding officer.
- 9.4 Where the panel consists of three (3) members, quorum shall be two (2) of the three (3) panel members.
- 9.5 A decision of a panel of the Board is the decision of the Board.
- 9.6 Hearings shall be held in accordance with the requirements set out in the *Municipal Government Act*, RSA 2000, c M-26 or as otherwise determined by Council.

Record of Hearing and Board Order

- 9.7 A Record of Hearing and Board Order for all hearings shall be
- 9.7.1 recorded and kept by the Clerk;
 - 9.7.2 signed by the presiding officer;
 - 9.7.3 filed with the Office of the CAO within 10 days of the hearing.

SECTION 10 – CLERK

- 10.1 The General Manager of Corporate Services is hereby appointed the Clerk of the Board (hereafter the “Clerk”).
- 10.2 The General Manager of Corporate Services is authorized to further delegate the matter. However, the Clerk must not be the Assessor or a designated officer having authority to grant or cancel tax exemptions or deferrals under section 364.1 of the *Municipal Government Act*, RSA 2000, c M-26 as amended.
- 10.3 The Clerk may further delegate any of the powers, duties or functions of the Clerk to another employee of the City.
- 10.4 The duties of the Clerk shall consist of:

- 10.4.1 attendance at all hearings of the Board;
- 10.4.2 recording the Record of Hearing and Board Order in accordance with the provisions of this Bylaw and as directed by the Board;
- 10.4.3 preparation of and providing an agenda to the panel;
- 10.4.4 performance of all duties prescribed by the *Municipal Government Act*, RSA 2000, c M-26 as amended;
- 10.4.5 performance of all other duties as assigned by the Board.

SECTION 11 – REPEAL

- 11.1 City of Cold Lake Bylaw No. 371-BD-10, and Bylaw No. 584-BD-16 are hereby repealed.

SECTION 12 – ENACTMENT

- 12.1 This Bylaw shall come into full force and effect at the beginning of the day on January 1st, 2018.

FIRST READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 28 day of November, A.D. 2017, on motion by Councillor Grau.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 12 day of December, A.D. 2017, on motion by Councillor Vining as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 12 day of December, A.D. 2017, on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

Executed this 15 day of DECEMBER, 2017

MAYOR

CHIEF ADMINISTRATIVE OFFICER

