



**BYLAW NO. 011-2021
OF THE TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

BEING A BYLAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ESTABLISHING THE ASSESSMENT REVIEW BOARDS AND THE APPOINTMENT OF THE CHAIR AND THE CLERK FOR THE ASSESSMENT REVIEW BOARDS.

WHEREAS, Section 454 of the *Municipal Government Act*, RSA 2016, Chapter M-24, and amendments thereto, requires that Council must by bylaw establish a Local Assessment Review Board and a Composite Assessment Review Board to hear and adjudicate complaints made about assessments; and

WHEREAS, Sections 454.1 and 454.2 of the *Municipal Government Act*, requires that Council must appoint a chair and the required number of persons to the assessment review boards and

WHEREAS, Section 455 of the *Municipal Government Act*, RSA 2016, c. M-24 and amendments thereto, two or more councils may agree to jointly establish the local assessment review board or the composite assessment review board, or both, to have jurisdiction in their municipalities and;

AND WHEREAS, Section 456 of the *Municipal Government Act*, requires that Council must appoint a Designated Officer to act as the Clerk of the Assessment Review Boards having jurisdiction in the Town of Smoky Lake; and

NOW THEREFORE, the Council of the Town of Smoky Lake, in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the Assessment Review Boards Bylaw.

2. PURPOSE

2.1. The purpose of this Bylaw is to establish Assessment Review Boards under Part 11 of the *Municipal Government Act*.

3. DEFINITIONS

In this Bylaw:

- 3.1. "**Assessment Review Board (ARB)**" means either the Local Assessment Review Board (LARB) or the Composite Assessment Review Board (CARB).
- 3.2. "**Agreement**" means the Member Memorandum of Agreement currently in force, as authorized by Council and executed in partnership with the Commission, and any successor agreements, whereby the Commission provides Assessment Review Board services to the Municipality.
- 3.3. "**Clerk**" means in respect of a local assessment review board or composite assessment review board having jurisdiction in one or more municipalities, means the designated officer appointed as clerk under section 456 of the *Municipal Government Act* for the Town of Smoky Lake;
- 3.4. "**Chair**" means a person designated as Chair of the Assessment Review Boards under s. 454.1(2) and 454.2(2) of the *MGA*.
- 3.5. "**Commission**" means Capital Region Assessment Services Commission.
- 3.6. "**Complaint**" means a complaint under Part 11 of the *MGA*.
- 3.7. "**Composite Review Board (CARB)**" means a board established pursuant to s. 454 of the *MGA* to hear and make decisions on complaints about any matter referred to in s. 460.1(2) of the *MGA*
- 3.8. "**Council**" means the duly elected Council of the Town of Smoky Lake;
- 3.9. "**Local Assessment Review Board (LARB)**" means a board established pursuant to s. 454 of the *MGA* to hear and make decisions on complaints about any matter referred to in s. 460.1(1) of the *MGA*.
- 3.10. "**Municipal Government Act (MGA)**" means the *Municipal Government Act*, R.S.2016, c. M-24, as amended.
- 3.11. "**Panelist**" means an individual who is accredited by the Alberta Municipal Government Board to hear Assessment Hearings and is appointed under this bylaw as a member of an Assessment Review Board;
- 3.12. "**Town**" means the Town of Smoky Lake.

4. CLERK APPOINTMENT

- 4.1. The position of the Assessment Review Board Clerk is hereby established.
- 4.2. Council shall annually appoint to the position of Clerk, the individual who is accredited by the Alberta Municipal Government Board to perform assessment clerk services, as recommended by the Commission.
- 4.3. The duties of the Clerk are those set out in the MGA and any regulations thereto, this bylaw and as outlined in the Agreement between the Town of Smoky Lake and the Commission.

5. ESTABLISHMENT OF ASSESSMENT REVIEW BOARDS

- 5.1. Council hereby establishes the following Assessment Review Boards for the Town of Smoky Lake;
 - 5.1.1. Local Assessment Review Board
 - 5.1.2. Composite Assessment Review Board
- 5.2. The Assessment Review Boards shall carry out the duties and responsibilities as set out in the Municipal Government Act and the regulations governing municipal property assessment appeals.

6. MEMBERSHIP

- 6.1. Annually, Council shall by resolution appoint:
 - 6.1.1. The list of panelists as members of the Town of Smoky Lake LARB and CARB provided to the Town by the Commission.
 - 6.1.2. The name of the Chair for the LARB and CARB provided to the Town by the Commission.
 - 6.1.3. The name of the Clerk provided to the Town by the Commission.
- 6.2. Council may by resolution, remove all Panelist and Clerk, where in the opinion of Council removal is warranted.

7. FEES AND EXPENSES

- 7.1. Compensation payable to the Commission for its performance include annual fees, hearing fees, panelist fees, and Assessment Clerk fees which will be outlined in a Member Memorandum of Agreement between the Town of Smoky Lake and the Commission.
- 7.2. Council may, pursuant to s. 481 (1) of the MGA set fees payable by persons wishing to make complaints to be heard before an ARB.
- 7.3. Filing an Assessment Complaint:
 - 7.3.1. Upon receipt of an assessment complaint, the Town shall provide to the Commission a completed Assessment Review Complaint form and supporting documentation in a timely manner.
 - 7.3.2. A complaint filed must be accompanied by the appropriate fee as established by Council as per the Master Rates Bylaw to the municipality. If the fee is not provided, the complaint is invalid.
 - 7.3.3. If the Assessment Review Boards make a decision in favor of the complainant, the filing fees paid by the complainant must be refunded.

8. FORCE AND EFFECT

- 8.1. The invalidity of any section, clause, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw, which can be given effect with such invalid part or parts.
- 8.2. Any Assessment Review Board Chair, Clerk or Panelist appointed by Council at the time of this bylaw coming into force is deemed to be appointed under this bylaw.
- 8.3. Bylaw No.006-2010 Assessment Review Boards Bylaw is hereby repealed upon this Bylaw coming into effect.
- 8.4. This Bylaw shall come into full force and upon third and final reading

READ A FIRST TIME THIS 21ST DAY OF SEPTEMBER, 2021

READ A SECOND TIME THIS 21ST DAY OF SEPTEMBER, 2021

READ A THIRD, AND FINAL TIME WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 21ST DAY OF SEPTEMBER, 2021

Original Signed.
Hank Holowaychuk
Mayor

Original Signed.
Adam Kozakiewicz
Chief Administrative Officer