

Bylaw 15361

Assessment Review Boards Bylaw

Recommendation:

That Executive Committee recommend to City Council:

1. That appointment to Assessment Review Boards be exempt from section 8 of City Policy C478, Process for Appointments and Re-appointments of Members to City of Edmonton Quasi-Judicial Boards.
2. That appointment to the Assessment Review Board Administrative Committee be exempt from City Policy C475A, Civic Agencies Appointments.
3. That the Assessment Review Board Administrative Committee be exempt from City Policy C476C, Civic Agencies Reporting.

Purpose

The purpose of this Bylaw is to establish Assessment Review Boards and an Assessment Review Board Administrative Committee, and to provide for the appointment of a designated officer for the Assessment Review Boards.

Readings

Bylaw 15361 is ready for three readings.

This Bylaw is authorized under the *Municipal Government Act*, R.S.A. 2000, c. 26 and the *Matters Relating to Assessment Complaints Regulation*, Alta. Reg. 310/2009. A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 15361 be considered for third reading.”

Position of Administration

Administration supports this Bylaw.

Report Summary

Bylaw 15361 reflects the new structure for Assessment Review Boards.

Report

- The process for hearing assessment complaints has changed from two levels of appeal (municipal and provincial) to a single level of appeal at the municipal level.
- Bylaw 15361 provides for the establishment of Local Assessment Review Boards and Composite Assessment Review Boards, in accordance with the governing act and regulations.
- The Clerk of the Assessment Review Boards (“Clerk”) is a designated Officer under the *Municipal Government Act*, and the person filling that position now must have prescribed training. Bylaw 15361 provides for the appointment of a Clerk and amends section 15(a) of the City Administration Bylaw, Bylaw 12005, to change the designation of the Clerk from a delegated to an appointed responsibility.
- Bylaw 15361 also provides for the establishment of the Assessment Review Boards Administrative Committee (the “Committee”).
- The Committee will provide City Members appointed to Assessment Review Boards with a structure

through which to report on matters concerning the boards to Administration, the Clerk, and Council, and to assist Administration with the development of board policies. The structure of the Committee has been followed for a number years; however, in interpreting the changes to the *Municipal Government Act*, it was felt that the Committee structure needed to be formally established in the new bylaw.

- City Council will continue to appoint a Chair to evaluate and report on Board Members performance prior to reappointments, and that individual will serve as Chair of the Committee.
- One City Member appointed to each of the Local Assessment Review Boards will be responsible for ensuring procedures are followed and will mentor and evaluate members appointed to each Board. The members responsible for these additional duties will be either the Chair appointed by Council, or one of the Vice Chairs appointed to the Administrative Committee.
- Section 54 of this bylaw amends the Procedures and Committees Bylaw, Bylaw 12300, by adding in the Assessment Review Board Administrative Committee under the responsibilities of the Executive Committee.
- Under the *Municipal Government Act*, the Chief Elected Official is an ex-officio member of all Council committees unless otherwise determined by Council by bylaw. Bylaw 15361 excludes the Mayor from serving as a member of an Assessment Review Board and from the Assessment Review Board Administrative Committee since the

Committee is connected with a quasi-judicial board. This exclusion abides by the appointment principles for quasi-judicial boards set out in City Policy C473C, Appointment of Members of Council to Civic Agencies.

- Due to the extent of the changes required, amending the current Assessment Review Boards Bylaw, Bylaw 12036 was not possible; therefore Bylaw 15361 repeals Bylaw 12036.

Legal Implications

- Section 454 of the *Municipal Government Act* requires Council to establish an assessment review board with jurisdiction to hear appeals when a property assessment complaint is received.
- Sections 454.1 and 454.2 requires Council to appoint three members to each type of board established by Council, and to prescribe the term of appointment and remuneration of board members.
- Part 3 of *Matters Relating to Assessment Complaints Regulation*, Alta. Reg. 310/2009 permits Council to appoint single member boards to hear a limited number of matters.
- Section 455 of the *Municipal Government Act* requires Council to appoint a designated officer to act as the Clerk of the Assessment Review Boards.
- Section 145 permits Council to create Council committees including Assessment Review Boards

Justification of Recommendation

1. Section 8 of City Policy C478 states that no one may be a member of more than one Civic Agency at the same time. City Members appointed to Local Assessment Review Boards will also be appointed to one-member Local Assessment Review Boards, as well as Composite Assessment Review Boards, therefore an exemption is required to allow for concurrent appointments.
2. City Policy C475A governs appointments to civic agencies. An exemption is required as: the Chair of the Assessment Review Board Administrative Committee will be appointed by Council under City Policy C478, *Process for Appointments and Re-appointments of Members to City of Edmonton Quasi-Judicial Boards*; and, Members of the Assessment Review Board Administrative Committee will be selected from amongst City Members appointed to Assessment Review Boards and be appointed by the Clerk based on criteria developed in conjunction with City Members.
3. City Policy C476C sets out procedures for reporting by civic agencies on activities and on appointments. An exemption to the activity reporting procedure for the Assessment Review Board Administrative Committee is required as the Committee will be reporting to the Clerk of Assessment Review Boards. In addition, an exemption is required for the appointment reporting as appointments are governed by City Policy C478, as outlined in recommendation 22.

Attachments

1. Bylaw 15361
2. Bylaw 12300 Update to Schedule “B” Departments and Civic Agencies Assignments – Executive Committee