



DRAYTON VALLEY

'Pulling Together'

Bylaw 2010/02/B

BEING A BYLAW IN THE TOWN OF DRAYTON VALLEY IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE ESTABLISHMENT OF AN ASSESSMENT REVIEW BOARD AND TO SET FORTH THE DUTIES AND RESPONSIBILITIES OF THAT BOARD.

WHEREAS, in accordance with the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000 and amendments thereto, a Council may by bylaw at any time establish one or more local assessment review boards and one or more composite assessment review boards.

NOW THEREFORE, the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

There is hereby established a Board which shall be known as the "Assessment Review Board".

This Bylaw shall be cited as the "Assessment Review Board Bylaw".

PART I — PURPOSE, DEFINITIONS AND INTERPRETATION	
1. PURPOSE	The purpose of this Bylaw is to establish an Assessment Review Board and to provide procedures for the hearing of complaints against Assessments and Taxes under the <i>Municipal Government Act</i> .
2. DEFINITIONS	In this Bylaw, unless the context otherwise requires:
a. Clerk	The Clerk shall be appointed pursuant to Section 455 of the <i>Municipal Government Act</i> .
b. Complaint	A complaint about an assessment or tax applicable to a particular assessment and tax roll number under Part 11 of the <i>Municipal Government Act</i> .
c. Complainant	The person who files a complaint about an assessment or tax applicable to a particular assessment and tax.
d. Council	Council of the Town of Drayton Valley.

e. Authorized Substitute	An individual who is authorized for appointment to fill a vacancy.
f. Municipal Government Act	The Municipal Government Act, RSA 2000, Chapter M-26 and amendments.
g. Vacancy	Absence from the Assessment Review Board including absence due to direct or indirect interest in a matter before the Assessment Review Board and including an inability or refusal by a member to continue to fulfil his or her obligations as a member of the Assessment Review Board.
h. Person	Includes any individual, corporation, society, association, partnership or firm and the successor or the heir, executor, administrator or other legal representative of a person.
i. Assessor	The assessor for the Town of Drayton Valley.

PART II — ASSESSMENT REVIEW BOARDS	
3. BOARDS ESTABLISHED	One (1) Local Assessment Review Board is established.
4. DUTIES OF THE BOARD	The Board will hear and decide complaints from assessments and taxes under the <i>Municipal Government Act</i> and regulations thereto.
5. MEMBERSHIP	<ol style="list-style-type: none"> 1. Council may by resolution, appoint three (3) or more Members to the Board. 2. Council may by resolution appoint other individuals as Authorized Substitutes.
6. TERM OF OFFICE	<ol style="list-style-type: none"> 1. Each member of the Assessment Review Board shall hold office for the term of one year. 2. Council shall, at its first organizational meeting in October of each year, appoint by resolution a minimum of three (3) members to each of the Assessment Review Boards.

7. VACANCIES	<ol style="list-style-type: none">1. The Town Manager may appoint an Authorized Substitute to fill a Vacancy.2. If no Authorized Substitute is available to fill a Vacancy, the Mayor may appoint an individual as an acting member of a Board.
8. CHAIR AND VICE CHAIR	Before its first hearing after Council appoints its Members, the Members of the Board will choose a Chair from among themselves.
9. CLERK OF COURT	Council hereby appoints the Municipal Treasurer, or designate, to act as the Clerk of the Assessment Review Board.
10. DUTIES OF CLERK	<ol style="list-style-type: none">1. The Clerk will review any complaint received.2. All complaints must be filed with the Clerk on or before the final date for the making of complaint as shown on the assessment or tax notice and must be accompanied by the fee calculated under Schedule A.3. The Clerk must within thirty (30) days after receiving a complaint, provide the municipality with a copy of the complaint.4. The Clerk must set a time, date and place for the hearing of any complaint and provide notice in accordance with the <i>Municipal Government Act</i> and regulations hereto.5. At least fourteen (14) days before the hearing the Clerk shall notify the Assessor, the complainant and any assessed person other than the complainant who is affected by the complaint, of the date, time and location of the hearing.6. The Clerk will attend each meeting of the Assessment Review Board, maintain a full record of the proceedings, and report each decision to Council.7. The Clerk will otherwise carry out those duties, if any, assigned to the Clerk by the <i>Municipal Government Act</i> and regulations hereto or by Council.

	<p>8. The Clerk or designate shall attend each meeting of the Assessment Review Board and record the names of persons appearing before the Board, maintain minutes of the proceedings and report to the Assessor and the Council the disposition of the appeals by the Assessment Review Board.</p> <p>9. The Clerk or designate shall send the decision of the Assessment Review Board, and the Board's reasons, if requested, to the persons notified of the hearing.</p>
11. REMUNERATION OF EXPENSES	The members of the Assessment Review Board who are members of the public will be paid for expenses incurred that are necessary to perform the Board's duties, at the rate under the current Town Policy for Council and Employee Reimbursement.

PART III — FEES

12. FILING FEE	<p>1. Council may by resolution set fees that must be paid to the Town when a Complaint is filed. The set fees will be listed in the current Fee Schedule for the Town of Drayton Valley.</p> <p>2. All complaints must be filed with the Clerk on or before the final date for the making of complaint as shown on the assessment or tax notice and must be accompanied by the fee. Any complaints received or postmarked after that date, will not be accepted by the Clerk.</p>
13. REFUND OF FILING FEE	<p>1. The Town Manager must refund a fee paid as required by the <i>Municipal Government Act</i>.</p> <p>2. The Town Manager may refund a fee paid:</p> <ul style="list-style-type: none"> a. to a complainant who withdraws a Complaint as a direct result of the Town issuing an amended assessment notice or amended tax notice; or b. to a complainant who withdraws a Complaint before the Clerk has scheduled a hearing of the Complaint. c. if the Assessment Review Board decides in favour of a complainant.

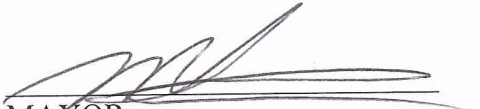
14. FEE FOR COPIES	A person who wishes to obtain copies of a document or a visual recording relating to Complaints must pay fees in accordance with general policies established by the Town Manager or Council from time to time.
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PART IV — GENERAL	
15. SOLICITOR	An independent solicitor may be appointed by the Town Manager to advise the Boards and the Town Manager about assessment review and related matters.
16. PROCEEDINGS	In accordance with the <i>Municipal Government Act</i> two members of an Assessment Review Board constitutes a quorum. The decision of the majority of the members shall be the decision of the Assessment Review Board.
17. COMPLAINTS	<ol style="list-style-type: none"> Any assessed person or taxpayer may file a complaint with the Assessment Review Board in respect to those matters set forth in the <i>Municipal Government Act</i> being namely: <ul style="list-style-type: none"> the description of a property or business; the name and mailing address of an assessed person or taxpayer; an assessment; an assessment sub-class; the type of property; the type of improvement; school support; whether the property is assessable; whether the property or business is exempt from taxation under Part 10 of the <i>Municipal Government Act</i>. A complaint can only be made within the appeal period as stated on the assessment notice.
	<ol style="list-style-type: none"> A complaint can only be made by an assessed person or taxpayer. A complaint may relate to any assessed property or business. The complainant shall notify the Clerk in writing of the particulars and the grounds of their complaint on the

	<p>prescribed form.</p> <ol style="list-style-type: none"> 6. A complaint must explain why the complainant thinks that the information shown on the assessment or tax notice is incorrect. 7. A complaint about a local improvement tax must be made within one year after it is first imposed. 8. The complaint must include the mailing address of the complainant. 9. There is no right to make a complaint about any tax rate.
18. ASSESSMENT REVIEW BOARD	<ol style="list-style-type: none"> 1. An Assessment Review Board may make the following decisions: <ul style="list-style-type: none"> • dismiss a complaint that was not made within the proper time or dismiss a complaint that was not received properly; • make a change within the complaint guidelines of the Act; • decide that no change to an assessment roll or tax roll is required. 2. An Assessment Review Board must not alter any assessment that is fair and equitable, taking into consideration assessments of similar property or businesses in the same municipality. 3. An Assessment Review Board must make all decisions on complaints within one hundred and fifty (150) days of the mailing of the property or business assessment notices.
19. NUMBER AND GENDER REFERENCES	<p>All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, singular or plural, or a corporation or partnership.</p>


AND THAT this bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this 28th day of April, 2010, A. D.


MAYOR

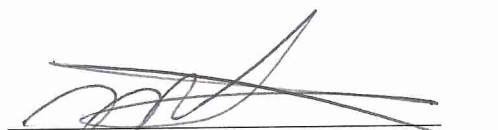

TOWN MANAGER
Active

Read a second time this 19th day of May, 2010, A. D.


MAYOR


TOWN MANAGER
Active

Read a third and final time this 19th day of May, 2010, A. D.


MAYOR


TOWN MANAGER
Active