BYLAW 238

ASSESSMENT REVIEW BOARDS BYLAW

WHEREAS, pursuant to Part 11 of the *Municipal Government Act*, S.A. 2000, c. M-26 Council may establish one or more Assessment Review Boards;

The Council of the Summer Village of Kapasiwin enacts:

PART I — PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

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

DEFINITIONS

2) In this Bylaw, unless the context otherwise requires:

a) **"Authorized Substitute"** means an individual who is authorized for appointment to fill a Vacancy;

b) **"Board"** means an Assessment Review Board;

c) **"Manager"** means a representative from the Capital Region Assessment Commission who has been appointed as a Designated Officer to administer the Assessment Review Boards or his delegate;

d) **"Chair"** means a person chosen as chair of an Assessment Review Board under section 10(1) of this Bylaw;

e) **"Complaint"** means a complaint under Part 11 of the *Municipal Government Act*;

f) **"Council"** means the council of the Summer Village of Kapasiwin;

g) **"Mayor"** means the chief elected official of the Summer Village of Kapasiwin;

h) **"Member"** means a member of a Board appointed under subsection 6 of this Bylaw, and includes a Chair and a Presiding Officer, but does not include an Authorized Substitute, unless the Authorized Substitute is filling a Vacancy;

i) **"*Municipal Government Act*"** means the *Municipal Government Act*, S.A. 2000, c.M-26;

j) **"Panel"** means a panel of one member established under subsection 4(a) of this Bylaw;

k) **"Presiding Officer"** means a member chosen by the members of each Board to be the Presiding Officer at one or more hearings under Part 11 of the *Municipal Government Act:*

l) **"Vacancy"** means an absence from a hearing due to

(i) direct or indirect interest in a matter before the Assessment Review Boards, or

(ii) an inability or refusal by a member to continue to fulfil his obligation as a member of a Board.

INTERPRETATION 3) The marginal notes and headings in this Bylaw are for reference purposes only.

PART II — ASSESSMENT REVIEW BOARDS

BOARDS ESTABLISHED 4) (a) Single person Boards are established.

(b) Three person Boards are established.

DUTIES OF BOARDS 5) The Boards and Panels will hear and decide Complaints and related matters in accordance to Part 11 of the *Municipal Government Act*, S.A. 2000, c. M-26.

MEMBERSHIP 6) (a) Subject to section 7, the Manager in consultation with the municipality, may appoint up to three Members from the list of individuals adopted by Council resolution to each Board.

(b) A Member is an Authorized Substitute for any Board.

(c) Council may by resolution appoint other individuals as Authorized Substitutes.

PANELS OF ONE 7) (a) Every Member or Authorized Substitute is appointed to sit as a Panel to hear and decide any matter required or permitted to be heard by a Panel under relevant legislation.

(b) The Manager may decide which of the matters described in subsection 7(a) may be heard and decided by a Panel, and which must be decided by a Board.

(c) The Manager may decide which of the Members and Authorized Substitutes, if any, may sit as a Panel, and the categories of matters that may be heard and decided by any particular Panel.

TERM OF OFFICE 8) (a) Council may by resolution specify the dates of the beginning and end of the term of office of a Member or an Authorized Substitute.

(b) Council may by resolution appoint a Member or an Authorized Substitute for more than one term.

VACANCIES 9) (a) The Manager may appoint an Authorized Substitute from those listed in Schedule A to fill a Vacancy.

(b) If no Authorized Substitute is available to fill a Vacancy, the Mayor may appoint an individual as an acting member of a Board.

CHAIR

10) (a) The members will select one member from those assigned to hear a complaint to serve as the Chair.

(b) The Chair shall be the Presiding Officer for the hearing.

DUTIES OF PRESIDING OFFICER

11) The Presiding Officer will:

(a) ensure that hearings are conducted fairly;

(b) prepare and sign written reasons for any hearings over which the Presiding Officer presides;

(c) ensures that any dissenting opinions are prepared and signed by the member dissenting; and,

(d) review and, whenever appropriate, approve any other documents the Manager may prescribe from time to time for any hearings over which the Presiding Officer presides.

DUTIES OF THE MANAGER

12) The Manager may:

(a) act as Chair at general meetings of the Members and Authorized Substitutes;

(b) act as the primary liaison between the Members and Authorized Substitutes, the Boards, Panels and Council;

(c) prepare a report for Council on all Boards, which may include:

(i) an evaluation of each Member and Authorized Substitute who wishes to be re-appointed,

(ii) recommendations to Council for reappointment,

(iii) an evaluation of the skills, knowledge and experience required by applicants for membership, and

(iv) any other information or opinions requested or required by Council or a Committee of Council from time to time;

(d) monitor hearings and recommend to the Members measures to improve the fairness and efficiency of hearings; and

(e) perform any other Assessment Review Board duties that Council may prescribe from time to time.

REMUNERATION AND EXPENSES

13) Council may by resolution set the level of remuneration and rate of reimbursement for expenses to be paid to Members, Panels, and Authorized

Substitutes.

PART III — FEES

FILING FEE

14) (a) Council by resolution will set fees that must be paid to the municipality when a Complaint is filed.

(b) The fee must be paid.

REFUND OF FILING FEE

15) (a) The municipality must refund a fee paid under section 13 as required by the *Municipal Government Act*.

(b) Refund a fee paid under section 14 to a complainant who withdraws a Complaint before the Manager has scheduled a hearing of the Complaint.

FEE FOR COPIES

16) A person who wishes to obtain copies of a document or an audio tape relating to Complaints must pay fees in accordance with general policies established by Council from time to time.

PART IV — GENERAL

SOLICITOR

17) An independent solicitor may be appointed by the manager to advise the Boards about assessment review and related matters.

NUMBER AND GENDER REFERENCES

18) 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, or a corporation or partnership.

REPEAL

19) This Bylaw comes into force on receiving third reading by Council and repeals Bylaw #237 and any amendments thereto

READ a first time April 28, 2010.

READ a second time April 28, 2010.

READ a third time April 28, 2010.

SIGNED AND PASSED April 28, 2010.

The Municipality of the Summer Village of Kapasiwin

Mayor

CAO