

## VILLAGE OF SPRING LAKE

### BYLAW #323

#### ASSESSMENT REVIEW BOARD BYLAW

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**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 Village of Spring Lake enacts:

#### PART I — PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE        | 1) | The purpose of this Bylaw is to establish Assessment Review Boards under Part 11 of the <i>Municipal Government Act</i> .   |
| DEFINITIONS    | 2) | In this Bylaw, unless the context otherwise requires: <ul style="list-style-type: none"><li>(a) <b>“Authorized Substitute”</b> means an individual who is authorized for appointment to fill a Vacancy;</li><li>(b) <b>“Board”</b> means an Assessment Review Board;</li><li>(c) <b>“Manager”</b> means a representative from the Capital Regional Assessment Services Commission designated to act as Assessment Complaints Manager or his delegate;</li><li>(d) <b>“Chair”</b> means a person chosen as chair of an Assessment Review Board under section 10(1) of this Bylaw;</li><li>(e) <b>“Complaint”</b> means a complaint under Part 11 of the <i>Municipal Government Act</i>;</li><li>(f) <b>“Council”</b> means the council of the Village of Spring Lake;</li><li>(g) <b>“Mayor”</b> means the chief elected official of the Village of Spring Lake;</li><li>(h) <b>“Member”</b> 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;</li><li>(i) <b>“Municipal Government Act”</b> means the <i>Municipal Government Act</i>, S.A. 2000, c.M-26;</li><li>(j) <b>“Presiding Officer”</b> 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 <i>Municipal Government Act</i>;</li><li>(k) <b>“Vacancy”</b> means an absence from a hearing due to<ul style="list-style-type: none"><li>(i) direct or indirect interest in a matter before the Assessment Review Boards, or</li><li>(ii) an inability or refusal by a member to continue to fulfil his obligation as a member of a Board.</li></ul></li></ul> |
| INTERPRETATION | 3) | The marginal notes and headings in this Bylaw are for reference purposes only.  |

#### PART II — ASSESSMENT REVIEW BOARDS

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| BOARDS<br>ESTABLISHED | 4) | (a) One Member Boards are established.<br>(b) Three Member Boards are established.  |
| DUTIES OF<br>BOARDS   | 5) | The Boards and Panels will hear and decide Complaints and related matters in accordance to Part 11 of the <i>Municipal Government Act</i> , 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                                   |

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|                                   |     | 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.  |
| ONE MEMBER<br>BAORDS              | 7)  | <p>(a) Every Member or Authorized Substitute is appointed to sit as a One Member Board to hear and decide any matter required or permitted to be heard by a One Member Board under relevant legislation.</p> <p>(b) The Manager may decide which of the Members and Authorized Substitutes, if any, may sit as a One Member Board, and the categories of matters that may be heard and decided by any particular One Member Board.</p>  |
| TERM OF OFFICE                    | 8)  | <p>(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.</p> <p>(b) Council may by resolution appoint a Member or an Authorized Substitute for more than one term.</p>  |
| VACANCIES                         | 9)  | <p>(a) The Manager may appoint an Authorized Substitute from those listed in Schedule A to fill a Vacancy.</p> <p>(b) If no Authorized Substitute is available to fill a Vacancy, the Mayor may appoint an individual as an acting member of a Board.</p>   |
| CHAIR                             | 10) | <p>(a) The members will select one member from those assigned to hear a complaint to serve as the Chair.</p> <p>(b) The Chair shall be the Presiding Officer for the hearing.</p>   |
| DUTIES OF<br>PRESIDING<br>OFFICER | 11) | <p>The Presiding Officer will:</p> <p>(a) ensure that hearings are conducted fairly;</p> <p>(b) prepare and sign written reasons for any hearings over which the Presiding Officer presides;</p> <p>(c) ensures that any dissenting opinions are prepared and signed by the member dissenting; and,</p> <p>(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.</p>  |
| DUTIES OF THE<br>MANAGER          | 12) | <p>The Manager may:</p> <p>(a) act as Chair at general meetings of the Members and Authorized Substitutes;</p> <p>(b) act as the primary liaison between the Members and Authorized Substitutes, the Boards, Panels and Council;</p> <p>(c) prepare a report for Council on all Boards, which may include:</p> <p>(i) an evaluation of each Member and Authorized Substitute who wishes to be re-appointed,</p> <p>(ii) recommendations to Council for reappointment,</p> <p>(iii) an evaluation of the skills, knowledge and experience required by applicants for membership, and</p> <p>(iv) any other information or opinions requested or required by Council or a Committee of Council from time to time;</p> <p>(d) monitor hearings and recommend to the Members measures to improve the fairness and efficiency of hearings; and</p> <p>(e) perform any other Assessment Review Board duties that Council may prescribe from time to time.</p> |
| REMUNERATION<br>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

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| FILING FEE           | 14) | (a) Council by resolution will set fees that must be paid to the municipality when a Complaint is filed.<br>(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 <i>Municipal Government Act</i> .<br>(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

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| 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) | Bylaw 312 The Assessment Review Board Bylaw as amended is repealed.   |
|                              | 20) | That this bylaw should take effect on the date of the third and final reading.  |

Read a first time this 11th day of May, 2010.

Read a second time this 11<sup>th</sup> day of May, 2010.

Read a third time this 11<sup>th</sup> day of May, 2010.

Village of Spring Lake

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Mayor Don Dobing

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Chief Administrative Officer Emily House