

BYLAW 08-24

A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO ESTABLISH COUNCIL TRIBUNAL BOARDS

WHEREAS pursuant to the provision of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for the purpose of establishing tribunal boards within the Town of Okotoks.

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

1. SHORT TITLE

1.1. This Bylaw may be known as the "Tribunal Boards Bylaw".

2. DEFINITIONS

2.1. **Appellant or Complainant** means a person with an interest in the outcome of an appeal or complaint who files a written Notice of Appeal or Complaint.

2.2. **Board** means the boards established pursuant to this Bylaw.

2.3. **Chief Administrative Officer (CAO)** means the person appointed to the position of chief administrative officer for the Town of Okotoks within the meaning of the *MGA*, and the Town of Okotoks' CAO Bylaw;

2.4. **Clerk** means a person appointed as the designated officer of a Board.

2.5. **Council** means the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act*, as amended, or any legislation in replacement or substitution thereof.

2.6. **Member** means a member of a Board appointed by Council.

2.7. **Organizational Meeting** means the organizational meeting of Council as required under the *MGA*.

2.8. **Regional Pool** means a group of Members appointed by the Councils of municipalities, of which the Town is one, participating in a joint regional agreement.

2.9. **Town** means the Corporation of the Town of Okotoks in the Province of Alberta.

3. Establishment of Boards

- 3.1. The following Boards are established:
 - 3.1.1. Assessment Review Board – Schedule 1
 - 3.1.2. Subdivision and Development Appeal Board – Schedule 2

4. Establishment of Regional and Intermunicipal Boards

- 4.1. Council authorizes the CAO to enter into an agreement with one or more municipalities to establish a regional assessment review board. Regional board hearings will be conducted in accordance with Schedule 1 utilizing members from the Regional Pool to fill quorum requirements for hearings in both the Town and among participating municipalities if necessary.
- 4.2. Council authorizes the CAO to enter into an agreement with one or more municipalities to establish an intermunicipal subdivision and development appeal board. Intermunicipal board appeals will be conducted in accordance with Schedule 2 utilizing members from the Regional Pool to fill quorum requirements for appeals in both the Town and among participating municipalities if necessary.

5. Membership

- 5.1. Council will establish the membership composition of Boards.
- 5.2. Members are appointed by Council resolution.
- 5.3. Members must be residents of the Town, **with the exception of Regional Pool members.**
- 5.4. Town staff members may not sit as a voting Member on a Board.
- 5.5. Former Members, Council members, and Town staff may apply for appointment to a Board after a two-year hiatus from that capacity, or at Council's discretion.

6. Appointments

- 6.1. Members are appointed at the annual Organizational Meeting of Council, or as vacancies occur.
- 6.2. A person is ineligible for appointment to a Board where that appointment would give rise to a reasonable perceived conflict of interest.
- 6.3. Members are appointed in staggered one, two, or three year terms, or as otherwise specified, to ensure there is a mix of experienced and new members.

- 6.4. Members:
 - 6.4.1. are required to continue beyond their appointment term or resignation date to complete hearing any matters of which they are seized; and
 - 6.4.2. may continue beyond their appointment term until such time as sufficient numbers of incoming new Members have completed mandatory orientation and training.
- 6.5. Where a Member vacates their position prior to the expiration of their appointment, Council may appoint a replacement.
- 6.6. A Member may resign from a Board at any time by giving written notice to Council.
- 6.7. By resolution, Council may remove any Member from a Board at any time on the recommendation of the Mayor.
- 6.8. By resolution, Council may alter the terms of appointment of any Member.
- 6.9. The Clerk shall appoint Members to Regional Pools from time to time as required.
- 6.10. All Members are required to successfully complete **and recertify every three (3) years** a training program set or approved by the applicable Minister, which will provide them with an understanding of all legislative enactments respecting the procedures, powers, and obligations of the Board.
- 6.11. All Members will be provided information on and will be required to sign the Town's Code of Conduct Bylaw.

7. Member Remuneration

- 7.1. Members shall be compensated for their time on Boards as follows:

Meeting Time (includes time for decision-writing)	Presiding Officer	Member/Chair	Training
Up to 4 hours	\$219	\$164	\$200
4-8 hours	\$383	\$290	
Over 8 hours	\$601	\$427	

- 7.2. Members shall be remunerated for travel expenses as per the Council Compensation and Expense Reimbursement Policy when conducting required business of the Board, **intermunicipal or regional board**, and mandatory provincial training.

8. Conduct and Procedures at Hearings

- 8.1. Members must conduct themselves in accordance with this Bylaw and:
 - 8.1.1. the express provisions of any applicable enabling legislation;
 - 8.1.2. the *MGA* and related regulations;
 - 8.1.3. the Town's Procedure Bylaw; and
 - 8.1.4. principles of natural justice and procedural fairness.
- 8.2. The Boards may hold hearings in person, via electronic means, or written submissions.
- 8.3. Boards shall meet in public unless the nature of an issue being discussed requires the Board to go into Closed Session.

9. Power of Authority

- 9.1. The CAO shall appoint a Clerk to the Board, who shall:
 - 9.1.1. Keep and maintain a file for inspection by the public during all reasonable hours, which includes the following official records:
 - 9.1.1.1. A register of all complaints/appeals to the Board and the decisions thereon;
 - 9.1.1.2. Written minutes/summary of all meetings and business transacted by the Board; and
 - 9.1.1.3. Copies of all decisions rendered by the Board.
 - 9.1.2. Have the authority to sign on its behalf an order, decision, approval notice, or other thing made or given by the Board.
- 9.2. Except as otherwise specified in this Bylaw, no Board or Member has the:
 - 9.2.1. Power to pledge the credit or course of action of the Town or enter into any agreement on behalf of the Board or the Town;
 - 9.2.2. Power to authorize any expenditure to be charged against the Town without prior approval by Council; and
 - 9.2.3. Authority to act administratively (e.g. direct staff or set mandates outside of assigned roles).

10. Severability

- 10.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this 11th day of March 2024.

READ A SECOND TIME this 11th day of March 2024.

READ A THIRD TIME AND PASSED this 11th day of March 2024.

Mayor

Chief Administrative Officer

Schedule 1 – Assessment Review Board (ARB)

Purpose	To fulfill the requirements of the <i>MGA</i> to establish one or more Assessment Review Boards and establish one or more positions to carry out the powers, duties, or functions of a designated officer.
Membership	<ul style="list-style-type: none">• Five Six Members (quorum is three (3) members) <p>Council will appoint a Chair and their length of term. The Chair will appoint a panel of three Members to hear a complaint of the ARB.</p> <p>The Chair delegates to the Clerk the duty of convening a three Member panel, and appointment of a Presiding Officer for Local Assessment Review Board Hearings.</p> <p>The ARB's for the Town are established as:</p> <ol style="list-style-type: none">a. One or more local assessment review boards that shall consist of one member;b. One or more local assessment review boards that shall consist of three members;c. One or more composite assessment review boards that shall consist of one member;d. One or more composite assessment review boards that shall consist of three members.
Complaint Fees	As set in the Fees, Rates, and Charges Bylaw.
Complaint Fee Refund	<p>Fees must be refunded if:</p> <ol style="list-style-type: none">a. the Board decides in favour of the Complainant;b. the Board's decision is not in favour of the Complainant, but on appeal, the Court of King's Bench makes a decision in favour of the Complainant; orc. a Complainant withdraws a complaint on agreement with the assessor to correct any matter or issue under complaint. <p>Fees may be refunded if a withdrawal is received in writing and has been delivered to the Clerk prior to notifications of the appeal hearing being sent out.</p>
Authority	<p>The ARB shall carry out the duties and responsibilities as set out in the <i>MGA</i> and the <i>Matters Relating to Assessment Complaints Regulation (MRAC)</i>.</p> <p>In arriving at its decision and formulating its reasons, the ARB may obtain advice and assistance from legal advisors.</p>

The Clerk shall carry out duties and responsibilities as outlined in the *MGA*, Part 11, Assessment Review Boards, and *MRAC*.

Term

Ongoing

**Meeting
Frequency**

As needed, depending on number of complaints filed.

Funding

As authorized by Town Council during the annual budget cycle.

Schedule 2 – Subdivision and Development Appeal Board (SDAB)

Purpose	To fulfill the requirements of the <i>MGA</i> to hear and determine appeals with respect to the subdivision and development of land.
Membership	<ul style="list-style-type: none">• Five (5) Citizen Members (Quorum is three (3) members) <p>Those who carry out subdivision or development powers, duties, and functions on behalf of the Town may not be appointed to the SDAB.</p>
Appeal Fees	As set in the Fees, Rates, and Charges Bylaw.
Appeal Fee Refund	Fees must be refunded if: <ul style="list-style-type: none">a. the Board decides in favour of the Appellant;b. the Board's decision is not in favour of the Appellant, but on appeal, the Court of King's Bench makes a decision in favour of the Appellant; orc. an Appellant withdraws a complaint on agreement with the Subdivision or Development Authority to correct any matter or issue under complaint.
Authority	<p>The SDAB will:</p> <ul style="list-style-type: none">a. Hear and determine appeals brought to it in respect to an order, decision, or development permit of a Subdivision or Development Authority.b. When hearing an appeal, shall follow the order of appearance set out in the provincial training handbook.c. Require that the party making the written submission shall present the submission to the SDAB. If such party is absent from the hearing, the person who makes the report to the SDAB may present the written submissions.d. In arriving at its decision and formulating its reasons, may obtain advice and assistance from the Town's staff, legal advisors, and other technical agencies.e. Comply with the Town's Procedure Bylaw, the <i>MGA</i>, and any applicable Regulations. <p>The CAO shall appoint a Clerk to the SDAB, who shall;</p> <ul style="list-style-type: none">a. Keep and maintain a file for inspection by the public during all reasonable hours, which includes the following official records:<ul style="list-style-type: none">i. A register of all appeals to the SDAB and the decisions thereon;ii. Written minutes/summary of all meetings and business transacted by the SDAB; andiii. Copies of all decisions rendered by the SDAB.

- b. Have the authority to sign on its behalf an order, decision, approval notice, or other thing made or given by the SDAB.

The Clerk of the SDAB shall carry out his/her duties and responsibilities as outlined in the *MGA*.

Term

Ongoing

**Meeting
Frequency**

Upon the receipt of the statutory notice of an appeal.

Funding

As authorized by Town Council during the annual budget cycle.