



**TOWN OF PINCHER CREEK COUNCIL
MEETING AGENDA
Monday, November 8, 2021 at 6:00 p.m.
[Virtual via Zoom](#)**

1. **Call to Order**
2. **Scheduled Public Hearing**
3. **Agenda Approval**
4. **Scheduled Delegations**
 - 4.1 Pincher Creek & District Library Board – Introduction, Future Plans, Request for Support – Janice Day, Michael Barkwith, Sandra Baker
 - 4.2 Lease Agreement – John Van Driesten
 - 4.3 Superform Development on Pronghorn Avenue – Megan Metheral
 - 4.4 Sage Early Learning Centre Operation – Megan Metheral
5. **Adoption of Minutes**
 - 5.1 Minutes of the Organizational Meeting of Council held on October 25, 2021
 - 5.2 Minutes of the Regular Meeting of Council held on October 25, 2021
 - 5.3 Minutes of the Committee of the Whole meeting held on November 3, 2021
6. **Business Arising from the Minutes**
7. **Bylaws**
 - 7.1 Regional Assessment Review Board Bylaw 1633-21
 - 7.2 Council Procedural Bylaw 1596-21 (No RFD – Bylaw Attached)
8. **New Business**
 - 8.1 Agreement for Regional Assessment Review Services
9. **Reports**
 - 9.1 Upcoming Committee Meeting and Events
10. **Administration**
 - 10.1 Council Information Distribution List
11. **Closed Session Discussion**
 - 11.1 Lease Agreement – Sec 5-7-29-W4 and Plan 8511150, Block 1, Lot 1 – FOIP s. 16 & 24
 - 11.2 Superform Development Process – FOIP s. 16 & 24
 - 11.3 Municipal Development and Subdivision Authority (MDSA) – Appointment – FOIP s. 19 & 24
12. **Notice of Motion**
13. **Adjournment**

The next Regular Council Meeting is scheduled for November 22, 2021 at 6:00 p.m.



ORGANIZATIONAL MEETING
Monday October 25, 2021 at 5:30p.m.
Virtual via Zoom

IN ATTENDANCE: Mayor: Don Anderberg
Councillors: M. Barber, W. Elliott, D. Green, S. Nodge,
W. Oliver and B. Wright
Staff: L. Wilgosh, Chief Administrative Officer and
L. Goss, Administrative Manager

1. CALL TO ORDER

Mayor D. Anderberg called the meeting to order at 5:30 p.m.

2. ADOPTION OF AGENDA

GREEN:

That Council for the Town of Pincher Creek approves the October 25, 2021 agenda as presented.

CARRIED ORG 21-001

3. MEETING TIMES AND DATES

NODGE:

That Council for the Town of Pincher Creek agrees to keep the current schedule of the first Wednesday at 9:00 am and second and fourth Mondays at 6:00 pm of the month for Regular Council Meetings.

CARRIED ORG 21-002

4. DEPUTY MAYOR APPOINTMENTS

WRIGHT:

That Council for the Town of Pincher Creek appoint the following Deputy Mayor for the period of October 25, 2021 to October 27, 2025.

Mark Barber	October 25, 2021 – June 30, 2022
Wayne Elliott	July 1, 2022 – February 28, 2023
David Green	March 1, 2023 – October 31, 2023
Sahra Nodge	November 1, 2023 – June 30, 2024
Wayne Oliver	July 1, 2024 – February 28, 2025
Brian Wright	March 1, 2025 – October 27, 2025

CARRIED ORG 21-003

5. COUNCIL APPOINTMENTS TO COMMITTEES AND BOARDS

NODGE:

That Council for the Town of Pincher Creek approve the Council Member Appointments to Council Committees and Boards as listed on Schedule A and that Schedule A be attached hereto and form part of the minutes.

CARRIED ORG 21-004

6. ADJOURNMENT

ELLIOTT:

That this Organizational Meeting of Council on October 25, 2021 be hereby adjourned at 5:49 p.m.

CARRIED ORG 21-005

MAYOR, Don Anderberg

CAO, L. Wilgosh

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 8th DAY OF NOVEMBER 2021**

S E A L

**SCHEDULE “A”
COUNCIL APPOINTMENTS
OCTOBER 25, 2021 TO OCTOBER 24, 2022**

1. ALBERTA SOUTHWEST REGIONAL ALLIANCE

Mandate: Alberta SouthWest Regional Alliance Ltd. (AlbertaSW) is a Regional Economic Development Alliance (REDA) of 16 communities working together to help each other succeed. Requires one member.

Staff Lead: Open

Meetings: First Wednesday evening monthly at various communities

Member(s): Sahra Nodge

2. ASSESSMENT REVIEW BOARD

Mandate: Oldman River Regional Services Commission and Municipalities within the region jointly established a Regional Assessment Review Board (Bylaw 2011-02) to exercise the functions of a Local Assessment Review Board (LARB) and the function of a Composite Assessment Review Board (CARB) under the provisions of the Municipal Government Act in respect of assessment complaints made by taxpayers of a Regional Member Municipality. Requires one member and one alternate member.

Staff Lead: Legislative Services Manager/Administrative Manager

Meetings: Annually if assessment appeals are received.

Member(s): Don Anderberg

3. COMMUNITY EARLY LEARNING CENTRE BOARD

Mandate: Requires three members

Staff Lead: Director of Community Services

Meetings: As required

Member(s): Don Anderberg, David Green and Mark Barber

Alternate: Wayne Elliott

4. COMMUNITY FUTURES ALBERTA SOUTHWEST BOARD

Mandate: Establish priorities, monitor performance and be accountable to key stakeholders, such as local, provincial and federal governments. Requires one member.

Staff Lead: Chief Administrative Officer

Meetings:

Member(s): Mark Barber

5. COMMUNITY HOUSING COMMITTEE

Mandate: Study and provide advice regarding matters related to housing.
Requires three members.
Staff Lead: Family and Community Support Services Coordinator
Meetings: Monthly
Members: Wayne Oliver, David Green and Sahra Nodge

6. COMMUNITY TRANSPORTATION COMMITTEE

Mandate: Study and provide advice regarding matters related to transportation.
Requires two members.
Staff Lead: Director of Operations
Meetings: As required
Membership: David Green and Sahra Nodge

7. ECONOMIC DEVELOPMENT COMMITTEE

Mandate: To advise Town Council on various economic development issues.
Requires one member.
Staff Lead: Economic Development Officer
Meetings:
Member(s): Currently Inactive

8. EMERGENCY SERVICES COMMISSION

Mandate: To manage fire and ambulance services. Requires two members and one alternate member.
Staff Lead: Fire Chief
Meetings: Fourth Thursday monthly at 1:30 pm.
Member(s): Don Anderberg and Brian Wright
Alternate: Sahra Nodge

9. FACILITIES PLANNING STUDY STEERING COMMITTEE

Mandate: To study and provide advice to the Town of Pincher Creek regarding the future development, renovation or expansion of facilities including sport, recreational, community and other Town owned facilities. Requires two members.
Staff Lead: Director of Community Services
Meetings: As required - Committee on hold
Member(s): Currently Inactive

10. FAMILY AND COMMUNITY SUPPORT SERVICES

Mandate: Agreement between Her Majesty in Right of Alberta and Town of Pincher Creek to provide for the establishment, administration, and operation of a Family and Community Support Services Program in accordance with the Family and Community Support Services Act and Regulation.
Requires one member.

Staff Lead: Family and Community Support Services Coordinator

Meetings: Third Monday monthly at 6:30 pm

Member(s): Sahra Nodge

11. FINANCE AND BUDGET COMMITTEE

Mandate: Pursuant to the Municipal Government Act, Council must adopt an operating and capital budget for each calendar year. Requires all members of Council

Staff Lead: Chief Administrative Officer/Director of Finance and Human Resources

Meetings: As required in the fall and winter prior to the budget year

Member(s): All of Council

12. HEALTH PROFESSIONS ATTRACTION AND RETENTION COMMITTEE

Mandate: Responsible for making policy decisions and ensuring through the Executive Director that appropriate staff, structures and processes are in place to carry out the policy and day-to-day tasks of the [RhPAP].
Requires one member

Staff Lead: Chief Administrative Officer

Meetings:

Member(s): Brian Wright

13. HIGHWAY 3 TWINNING DEVELOPMENT ASSOCIATION

Mandate: Members to this committee must be approved by the Association Board.
Requires one member and one alternate member.

Staff Lead: Chief Administrative Officer

Meetings: As required

Member(s): Don Anderberg

Alternate: Brian Wright

14. INTERMUNICIPAL COLLABORATION FRAMEWORK STEERING COMMITTEE

Mandate: Provide for integrated and strategic planning, delivery and funding of intermunicipal services; Allocate scarce resources efficiently in the providing of local services; Ensure municipalities contribute funding to services that benefit their residents. Requires two members and one alternate

Staff Lead: Chief Administrative Officer

Meetings:

Member(s): Don Anderberg and Wayne Oliver

Alternate: Wayne Elliott

15. INTERMUNICIPAL DEVELOPMENT COMMITTEE

Mandate: As per Bylaw No. 1526, Intermunicipal Development Plan. Requires two members.

Staff Lead: Manager of Legislative Services

Meetings: As needed (generally daytime)

Member(s): Wayne Oliver and Mark Barber

16. LIBRARY BOARD and CHINOOK ARCH

Mandate: Pursuant to the Libraries Act of Alberta, the Pincher Creek & District Municipal Library will provide full and equal access to information, resources and ideas, and promote an atmosphere of life-long learning. Requires one member.

Staff Lead: Head Librarian

Meetings: Library Board – Fourth Wednesday every other month at 7:00 pm

Chinook Arch – First Thursday of April, August and December 6:00 pm

Member(s): Mark Barber

17. MAYORS & REEVES OF SOUTHWEST ALBERTA

Mandate: Mayors & Reeves of Southwest Alberta. Requires the Mayor.

Staff Lead: Open

Meetings: First Friday monthly at 1:00 pm in Lethbridge (No meeting in July & August)

Member(s):

18. MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY (MDSA)

Mandate: Pursuant to the Municipal Government Act and MDSA Bylaw #1543, to review applications for discretionary developments. Requires three members.

Staff Lead: Manager of Legislative Services

Meetings: Third Tuesday monthly at 9:30 am

Member(s): Wayne Elliott, Brian Wright and Wayne Oliver

19. MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (MSDAB)

Mandate: Pursuant to the Municipal Government Act and Bylaw #1544. Requires one member.

Staff Lead: Manager of Legislative Services and Chief Administrative Officer

Meetings: As required, by Oldman River Regional Services Commission

Member(s): Don Anderberg

20. OLDMAN RIVER REGIONAL SERVICES COMMISSION (ORRSC)

Mandate: Concerns matters of subdivision, planning, etc. Requires one member and one alternate member.

Staff Lead: CAO

Meetings: First day of March, June, September and December at 7:00 pm in Lethbridge

Member(s): Don Anderberg

Alternates: Brian Wright

21. OLDMAN WATERSHED COUNCIL

Mandate: A healthy, resilient watershed where people, wildlife and habitat thrive. Requires one member

Staff Lead: Director of Operations

Meetings: Quarterly

Member(s): Wayne Elliott

Alternate: David Green

22. OPERATIONS COMMITTEE

Mandate: Study and provide advice regarding matters related to operational services. Requires two members.

Staff Lead: Director of Operations

Meetings: Quarterly

Member(s): Wayne Elliott and Wayne Oliver

23. PINCHER CREEK FOUNDATION BOARD

Mandate: Manages the Housing Units in Pincher Creek. Requires two members.
Staff Lead: Pincher Creek Foundation CAO
Meetings: Fourth Wednesday monthly
Member(s): David Green and Wayne Oliver

24. POLICE ADVISORY COMMITTEE

Mandate: Formalize the process for receiving input from the community and the partnership between the community, the RCMP and local government. Requires one member and one alternate member.
Staff Lead: FCSS Coordinator
Meetings: Third Wednesday every two months at 7:00 pm
Member(s): Mark Barber
Alternate: Brian Wright

25. POLICY REVIEW COMMITTEE

Mandate: Requires two members of Council.
Staff Lead: Legislative Services Manager
Meetings: As required (monthly)
Member(s): Sahra Nodge and Wayne Elliott

26. RECREATION ADVISORY BOARD

Mandate: Reviews Recreation and Parks issues, makes recommendations and identifies issues. Requires one member.
Staff Lead: Director of Community Services
Meetings: Monthly as schedules allow (generally evening)
Member(s): Brian Wright

27. REGIONAL AIRPORT ADVISORY COMMITTEE

Mandate: To advise Council on airport opportunities and issues, policy and programs within the Southwestern Alberta Region with specific focus on the Pincher Creek Airport (CZPC). Requires two members.
Staff Lead:
Meetings: Quarterly – to be determined
Members(s): Wayne Elliott and Mark Barber
Alternate: Don Anderberg

28. REGIONAL EMERGENCY MANAGEMENT ORGANIZATION

Mandate: To act as an agent of the Council to carry out the Council's statutory powers and obligations as prescribed in the Emergency Management Bylaw. Requires two members and one alternate member.

Staff Lead: CAO

Meetings: Minimum twice annually

Member(s): Don Anderberg and Brian Wright

Alternate: Sahra Nodge

29. REGIONAL LANDFILL – Town/MD/Cowley/Crowsnest Pass

Mandate: Pursuant to landfill Authority bylaws. Requires one member and one alternate member.

Staff Lead: Open

Meetings: Third Wednesday monthly at 9:00 am at the Landfill

Member(s): Mark Barber

Alternate: Wayne Oliver

Note**All members of Council shall serve as alternates on all committees and boards.



REGULAR MEETING OF COUNCIL
Held on Monday October 25, 2021
Virtually, commencing at 6:00 p.m.

IN ATTENDANCE:

Mayor: D. Anderberg

Councillors: M. Barber, W. Elliott, D. Green, S. Nodge,
W. Oliver and B. Wright

Staff: L. Wilgosh, Chief Administrative Officer; W.
Catonio, Director of Finance and Human
Resources; L. Rideout, Director of
Community Services and L. Goss,
Administrative Manager

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:01 pm.

2. SCHEDULED PUBLIC HEARING

3. AGENDA APPROVAL

ELLIOTT:

That Council for the Town of Pincher Creek approves the October 25, 2021 agenda as presented.

CARRIED 21-398

4. DELEGATIONS

4.1 Pincher Creek Legion Branch #43 – Poppy Presentation

Dick Burnham attended the meeting to virtually present Council with a poppy to kick off the 2021 Legion Poppy Campaign.

5. ADOPTION OF MINUTES

5.1 Minutes of the Regular Meeting of Council held on October 12, 2021

BARBER:

That Council for the Town of Pincher Creek approve the minutes of the Regular Meeting of Council held on October 12, 2021 as presented.

CARRIED 21-399

6. BUSINESS ARISING FROM THE MINUTES

7. BYLAWS

8. NEW BUSINESS

8.1 Kootenai Brown Pioneer Village

NODGE:

That Council for the Town of Pincher Creek authorize a member of Council to attend Kootenai Brown Pioneer Village "Halloween in the Village" on Saturday October 30, 2021.

CARRIED 21-400

8.2 AUMA Fall 2021 Convention – Meeting with Alberta Transportation

ELLIOTT:

That Council for the Town of Pincher Creek receive the AUMA Fall 2021 Convention meeting with Alberta Transportation information as presented.

CARRIED 21-401

BARBER:

That Council for the Town of Pincher Creek direct administration to schedule a meeting with Minister of Health at the AUMA Fall 2021 Convention to discuss the following;

- CT Scanner at the Pincher Creek Health Centre
- Ground Ambulance Contract
- Additional items recommended from the Health Professions Attraction and Retention Committee

CARRIED 21-402

8.3 APEX Utilities Inc. Franchise Fee

GREEN:

That Council for the Town of Pincher Creek agree that the Natural Gas Distribution Franchise Fee percentage for the year 2022 remain unchanged at 25%.

CARRIED 21-403

8.4 Fortis Alberta Franchise Fee

OLIVER:

That Council for the Town of Pincher Creek agree that the Electric Distribution Franchise Fee percentage for the year 2022 remain unchanged at 13%.

CARRIED 21-404

9. REPORTS

9.1 Upcoming Committee Meetings and Events

Early Learning Centre
Committee of the Whole
Regional Emergency Management Organization
Council
Remembrance Day
Budget and Finance Committee

10. ADMINISTRATION

10.1 Council Information Distribution List

GREEN:

That Council for the Town of Pincher Creek accept the October 25, 2021 Council Information Distribution List as information.

CARRIED 21-405

10.2 Finance 2021 2nd Quarter Report

BARBER:

That Council for the Town of Pincher Creek accept the Finance 2021 2nd Quarter Report information as presented with thanks.

CARRIED 21-406

10.3 Operations 2021 3rd Quarter Report

ELLIOTT:

That Council for the Town of Pincher Creek accept the Operations 2021 3rd Quarter Report information as presented with thanks.

CARRIED 21-407

Mayor Anderberg called a recess at 6:40 pm.

Mayor Anderberg called the meeting back to order at 6:54 pm.

11. CLOSED MEETING DISCUSSION

ELLIOTT:

That Council for the Town of Pincher Creek agree to move to a closed session of Council on Monday, October 25, 2021 at 6:54 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Director of Community Services, Director of Finance and Human Resources, and Administrative Manager in attendance.

CARRIED 21-408

NODGE:

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, October 25, 2021 at 7:41 pm.

CARRIED 21-409

11.1 Tax Arrears Payment Agreement Roll #293900 – FOIP s. 16 & 24

WRIGHT:

That Council for the Town of Pincher Creek authorize and approve entering into a seven (7) month Tax Arrears Payment Agreement for Roll #293900 for the years 2020 and prior.

CARRIED 21-410

11.2 Development Agreement for Title Number 061 318 661 – FOIP s. 16 & 24

BARBER:

That Council for the Town of Pincher Creek approve and authorize the Development Agreement between the Town of Pincher Creek and Rachel Van Bussel, O/A Lost Things Gin Distillery, for parcel title number 061 318 661, Plan 3880BD, Lots 218 to 222 inclusive, the development area.

CARRIED 21-411

11.3 Development Agreement for Plan 0614431, Block 1, Lot 4 – FOIP s. 16 & 24

GREEN:

That Council for the Town of Pincher Creek approve and authorize the Development Agreement between the Town of Pincher Creek and Wild Winds Brewery for parcel Plan 0614431, Block 1, Lot 4, 1348 Scott Avenue, the development area.

CARRIED 21-412

11.4 Management Position Change – FOIP s. 24

NODGE:

That Council for the Town of Pincher Creek agree to the proposed administrative structural change from Administrative Manager to Executive Assistant/Payroll and Human Resources Assistant.

CARRIED 21-413

12. NOTICE OF MOTION

13. ADJOURNMENT

NODGE:

That this meeting of Council on October 25, 2021 be hereby adjourned at 7:46 pm.

CARRIED 21-414

MAYOR, D. Anderberg

CAO, L. Wilgosh

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,**

THIS 8th DAY OF NOVEMBER 2021

S E A L

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY NOVEMBER 8, 2021
AT 6:00 P.M.**



Town of Pincher Creek
COMMITTEE OF THE WHOLE MINUTES
November 3, 2021 – 9:00 PM
Virtually via Zoom

ATTENDANCE:

Mayor: D. Anderberg

Councillors: M. Barber, W. Elliott, B. Wright, W. Oliver, S. Nodge and D. Green

Staff: L. Wilgosh, Chief Administrative Officer; W. Catonio, Director of Finance and Human Resources; L. Rideout, Director of Community Services; A. Grose, Recreation Manager; M. Everts, Events, Marketing & Economic Development Officer; A. Roth, Director of Operations; A. Levair, Operations Manager, G. Kollee, Legislative Services Manager; L. Johnson, Administrative Assistant and L. Goss, Administrative Manager.

1. Call to Order

Mayor Anderberg called the meeting to order at 9:00 am.

2. Agenda Approval

ELLIOTT:

That the Committee of the Whole for the Town of Pincher Creek approves the November 3, 2021 agenda as amended, the amendment being the addition of item 8.8 Renaming of Indian Street, 8.9 Covid Policies and Protocols Update and 6.3 Recycling Update.

CARRIED COTW 2021-131

3. Scheduled Delegations

3.1 Sergeant Ryan Hodge – RCMP Quarterly Update

RCMP Sergeant Ryan Hodge attended the meeting to present the quarterly update.

3.2 Alberta Health Services – COVID Update – Kristin Dykstra

Alberta Health Services representative, Kristin Dykstra, attended the meeting to provide the committee with a COVID update.

4. Committee Reports

Written reports are attached hereto forming part of the minutes.

5. Administration

5.1 Upcoming Meetings

Highway 3 Twinning Association
Finance and Budget Committee
Alberta SouthWest
Council Meeting
Development Process Review
Pincher Creek Foundation

6. Business Arising from the Minutes

6.1 Golf/Curling Club Steering Committee

NODGE:

That Committee of the Whole for the Town of Pincher Creek defer definitely to the December Committee of the Whole meeting, the Golf/Curling Club Steering Committee, and direct administration to bring forward information regarding terms of reference for a Council liaison position.

CARRIED COTW 2021-132

OLIVER:

That Committee of the Whole for the Town of Pincher Creek appoint Councillor Barber to the Golf/Curling Club Steering Committee on a temporary basis.

CARRIED COTW 2021-133

6.2 Piikani Liaison

ELLIOTT:

That Committee of the Whole for the Town of Pincher Creek direct Mayor Anderberg to prepare and send a letter of invitation to the Piikani Nation Chief to develop a relationship between the two communities.

CARRIED COTW 2021-134

6.3 Recycling Update

GREEN:

That Committee of the Whole for the Town of Pincher Creek receives the Recycling Update information as presented.

CARRIED COTW 2021-135

Mayor Anderberg called a recess at 10:52 am

Mayor Anderberg called the meeting back to order at 11:03 am

7. Policy

8. New Business

8.1 Council Code of Conduct Review

8.2 Fort Macleod Parade Invitation

BARBER:

That Committee of the Whole for the Town of Pincher Creek agree to participate in the 2021 Santa Claus Parade in Fort Macleod on Saturday November 27, 2021 and authorize a member of Council to attend.

CARRIED COTW 2021-136

8.3 Municipal Elected Officials Course – Emergency Management

NODGE:

That Committee of the Whole for the Town of Pincher Creek direct administration to advise the Director of Emergency Management, Brett Wuth to request a virtual, live group session for the Municipal Elected Officials Course on Emergency Management to be presented by Field Officer Garry Dzioba.

CARRIED COTW 2021-137

8.4 Strategic Planning/Economic Development Strategy

GREEN:

That Committee of the Whole for the Town of Pincher Creek direct administration to circulate the Draft Economic Development Strategy to Council for review and schedule a special meeting with the consultant for review.

CARRIED COTW 2021-138

ELLIOTT:

That Committee of the Whole for the Town of Pincher Creek direct administration to schedule a Strategic Planning Session.

CARRIED COTW 2021-139

8.5 Electronic Devices

8.6 AUMA Convention Questions

G. Kollee left the meeting at 11:59 am

8.7 Department Overview/Responsibilities

WRIGHT:

That Committee of the Whole for the Town of Pincher Creek defer the Department Overview/Responsibilities to the Finance and Budget Committee meeting scheduled on Friday November 5, 2021 and that the time be amended from 9:00 am to 8:30 am.

CARRIED COTW 2021-140

8.8 Renaming of Indian Street

NODGE:

That Committee of the Whole for the Town of Pincher Creek defer the Renaming of Indian Street to the January Committee of the Whole meeting for discussion.

CARRIED COTW 2021-141

8.9 Covid Policies and Protocols Update

9. Closed Session

10. Adjournment

ELLIOTT:

That this session of Committee of the Whole be adjourned at 1:04 pm.

CARRIED COTW 2021-142

**APPROVED BY RESOLUTION OF
COUNCIL FOR THE TOWN OF PINCHER CREEK
THIS 8th DAY OF NOVEMBER 2021**

Mayor, D. Anderberg

CAO, L. Wilgosh

TOWN OF PINCHER CREEK

REQUEST FOR DECISION

Council

SUBJECT: Regional Assessment Review Board Bylaw 1633-21	
PRESENTED BY: Lisa Goss, Administrative Manager	DATE OF MEETING: 11/8/2021

PURPOSE:

For Council to consider amendments to the Regional Assessment Review Board Bylaw to incorporate recent amendments to the Municipal Government Act.

RECOMMENDATION:

That Council for the Town of Pincher Creek agree to give Regional Assessment Review Board Bylaw 1633-21 first reading.

That Council for the Town of Pincher Creek agree to give Regional Assessment Review Board Bylaw 1633-21 second reading.

That Council for the Town of Pincher Creek unanimously agree to present Regional Assessment Review Board Bylaw 1633-21 for third reading at the November 8, 2021 regular meeting of Council.

That Council for the Town of Pincher Creek agree to give Regional Assessment Review Board Bylaw 1633-21 third and final reading and that a copy of which be attached hereto forming part of the minutes.

BACKGROUND/HISTORY:

The Oldman River Regional Services Commission is recommending changes to both the Agreement for Regional Assessment Review Services and the Bylaw establishing a local assessment review board and composite assessment review board.

ALTERNATIVES:

That Council for the Town of Pincher Creek receive the information regarding Regional Assessment Review Board Bylaw 1633-21 as presented.

That Council for the Town of Pincher Creek direct administration to further amend Regional Assessment Review Board Bylaw 1633-21.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

In 2010 the Town of Pincher Creek entered into an agreement and adopted a Bylaw for Regional Assessment Review Board services with the Oldman River Regional Services Commission.

FINANCIAL IMPLICATIONS:

There are no changes to the fees in the proposed bylaw or agreement.

PUBLIC RELATIONS IMPLICATIONS:

Amending and updating the Regional Assessment Review Board Bylaw to accommodate recent changes to the Municipal Government Act provide clear direction to Council, administration, and members of the public.

ATTACHMENTS:

- 21.09.21 Oldman River Regional Services Commission - correspondence - 2750
- DRAFT Regional Assessment Review Board Bylaw 1633-21 - 2750
- Regional Assessment Review Board Bylaw 2011-02 - 2750

CONCLUSION/SUMMARY:

Administration supports that Council for the Town of Pincher Creek agree and give all three readings to Regional Assessment Review Board Bylaw 1633-21.

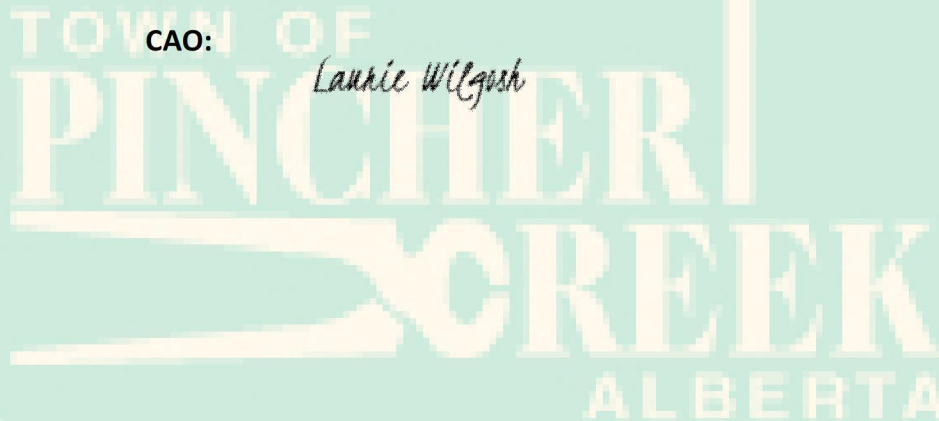
Signatures:

Department Head:

Lisa Goss

CAO:

Laurie Willgosh





OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 - 16th Avenue North
Lethbridge, Alberta T1H 5E8

Phone: (403) 329-1344
Toll-Free: 1-877-329-1387
E-mail: admin@orrsc.com
Website: www.orrsc.com

RECEIVED

September 21, 2021

File No. 30H-11

Laurie Wilgosh
PO Box 159
Pincher Creek, AB T0K 1W0

SEP 22 2021

Town of Pincher Creek

Dear Ms. Wilgosh:

Re: Assessment Review Board Services
Member Training, Re-Certification, Agreement and Bylaw Update

On June 9, 2014, the Town of Pincher Creek entered into an agreement with the Oldman River Regional Services Commission (ORRSC), to receive Assessment Review Board Services. Bylaw No. 2011/02 was given third reading on June 13, 2011.

According to our files, the Town of Pincher Creek has appointed the following Assessment Review Board Member(s):

Wayne Elliott
(Certification has expired)

Lorne Jackson
PO Box 2666
Pincher Creek AB T0K 1W0
403-627-4320
ljackson@pinchercreek.ca

If any of the above information is incorrect, please contact our office so we may update our records.

Pursuant to Bylaw No. 2011/02, the Regional Assessment Review Board shall consist of a minimum of twenty members. To achieve, and maintain this number, ORRSC is requesting its Member Municipalities to appoint at least one individual to the Board at their upcoming Organizational Meetings, scheduled for Fall 2021. Training of newly appointed individuals will occur early in 2022.

As well as requesting the appointment of a Board Member, ORRSC would like to inform you of recent changes to the **Municipal Government Act**, with regards to local Assessment Review Boards. Due to these changes, both the Agreement for Regional Assessment Review Services and the Bylaw establishing a local assessment review board and a composite review board require amendment.

To simplify this process, we suggest repealing Bylaw No. 2011/02 and entering into a new agreement and passing a new bylaw. Enclosed for your Council's review and consideration are the proposed agreement and bylaw.

Please do not hesitate to contact us, should additional information or clarification be required.

Yours truly,

Lenze Kuiper, Chief Administrative Officer
Enclosures

Schedule “B”

“MUNICIPALITY” BYLAW NUMBER _____

A bylaw of the “Municipality” in the Province of Alberta to establish a Regional Assessment Review Board.

WHEREAS, section 454 of the *Municipal Government Act*, states that council must by bylaw establish a local assessment review board and a composite assessment review board; and

WHEREAS, section 454.1(1) of the *Municipal Government Act*, states that council must appoint at least 3 persons as members of the local assessment review board; and

WHEREAS, section 454.2(1) of the *Municipal Government Act*, states that council must appoint at least 2 persons as members of the composite assessment review board; and

WHEREAS, section 455(1) of the *Municipal Government Act*, states that two or more councils may agree to jointly establish the local assessment review board or the composite review board, or both, to have jurisdiction in their municipalities; and

WHEREAS, Oldman River Regional Services Commission (Commission) and Municipalities within the region, jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by an assessed person or taxpayer of a Regional Member Municipality; and

WHEREAS, Oldman River Regional Services Commission will pay for the costs associated with the establishment and operations of the required Assessment Review Board(s) and will invoice the Municipality their portion of the costs.

NOW THEREFORE, the Council of the “Municipality”, duly assembled, enacts as follows:

1. Title

1.1 The title of this Bylaw shall be the “Regional Assessment Review Board Bylaw Amendment 2021”.

2. Definitions

2.1 Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.

2.2 In this bylaw the following terms shall have the meanings shown:

- a. **Alternate** means a person who is available to perform the duties of a member in the event the member is unable to fulfil Board duties.
- b. **Board** means the Regional Assessment Review Board.
- c. **CARB** means the Composite Assessment Review Board established in accordance with the ‘*Matters Relating to Assessment Complaints*’ regulation.
- d. **Clerk** means the person appointed to carry out the duties and functions ~~of the clerk~~ of the assessment review board as required under section 456 of the *Municipal Government Act*.

- e. **Citizen-at-large** means a person who does not represent a specific organization and is appointed by Council.
- f. **LARB** means the Local Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints*’ regulation.
- g. **Member** means a member of the Regional Assessment Review Board.
- h. **MGA** means the *Municipal Government Act* of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act.
- i. **Regional Member Municipality** means those municipalities who enter into an agreement with the Commission to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw.

3. Appointment of Board Members

- 3.1 Each Member Municipality may appoint one individual to the Board and may appoint an individual as an alternate to the Board.
- 3.2 The Board shall consist of a minimum of twenty members, some of whom may be a Citizen-at-large or a Council member.
- 3.3 In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.

4. Terms of Appointment

- 4.1 Unless otherwise stated, all Members are appointed for three-year terms, except in the initial year where up to three are appointed for three-year terms and up to four are appointed for two-year terms.
- 4.2 If a vacancy on the Board occurs the Member Municipality who made the appointment may appoint a new person to fill the vacancy for the remainder of the term.
- 4.3 A Member may be re-appointed to the Board at the expiration of his/her term, provided recertification training has occurred prior to the expiration of term.
- 4.4 A Member may resign from the Board at any time on written notice to the Designated Officer Clerk and to the Member Municipality to that effect.
- 4.5 The Member Municipality may remove their designated Member at any time.

5. Panels of the Board

- 5.1 The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels are to consist of:
 - a. three persons selected by the Clerk when the Board is acting as a ~~Composite Assessment Review Board~~ or a Local Assessment Review Board;
 - b. two persons selected by the Clerk when the Board is acting as a Composite Assessment Review Board; or
 - c. a single member selected by the Clerk when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.

- 5.2 The ~~Designated Officer~~ **Clerk** may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
- a. the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
 - b. the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board;
 - c. where possible, the ~~Designated Officer~~ **Clerk** shall include on a three-person panel a member who is from the municipality under whose jurisdiction the complaint arises.

6. Chairperson

- 6.1 The Chairperson of a panel:
- a. will preside over and be responsible for the conduct of meetings;
 - b. may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
 - c. will vote on matters submitted to the panel unless otherwise disqualified.

7. Jurisdiction of the Board

- 7.1 The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality.

8. ~~Clerk(s) Designated Officer(s)~~ of the Board

- 8.1 The ~~Clerk(s) Designated Officer(s)~~ of the Board shall be a person designated by the Oldman River Regional Services Commission's **Chief Administrative Officer** ~~Director~~.
- 8.2 The ~~Clerk~~ **Designated Officer** shall:
- a. ~~shall~~ assist the Board in fulfilling its mandate; and
 - b. prescribe the remuneration and expenses payable to each member of the Assessment Review Board.

9. Meetings

- 9.1 Meetings will be held at such time and place as determined by the Board.
- 9.2 The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the Freedom of Information and Protection of Privacy Act.

10. Quorum and Voting

- 10.1 The quorum for panels of the Board shall be as established by the MGA, namely:
- a. two members of a panel acting as a local assessment review board; and
 - b. one member and the provincial member of a panel acting as a composite assessment review board.
- 10.2 All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- 10.3 The majority vote of those Members present and voting constitutes the decision of the Board.
- 10.4 Where a member of a panel absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the ~~Clerk Designated Officer~~ shall appoint a replacement member of the panel.

11. Conflict of Interest

- 11.1 Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from Board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the member:
- a. declares that he or she has a conflict of interest; and
 - b. describes in general terms the nature of the conflict of interest.
- 11.2 The ~~Clerk Designated Officer~~ shall cause a record to be made in the Minutes of the members' absence and the reasons for it.
- 11.3 For the purposes of this provision, a member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- a. he or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the issue; or
 - b. substantial doubt as to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

12. Pecuniary Interest

- 12.1 The pecuniary interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.
- 12.2 A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

13. Commencement of Appeals

- 13.1 An assessed person or a taxpayer may commence an assessment complaint by:
- a. mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the ‘*Matters Relating to Assessment Complaints*’ regulation and within the time specified in the MGA; and
 - b. paying the applicable fee.

14. Rules of Order

- 14.1 The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

15. Adjournments

- 15.1 The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- a. allowing the Board to obtain a legal opinion or other professional guidance; or
 - b. to allow a viewing by the Board of the site in respect of which the appeal is being made.
- 15.2 Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by e-mail) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

16. Notice of Decisions & Record of Hearing

- 16.1 After the hearing of a complaint, the ~~Clerk Designated Officer~~ shall:
- a. under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - b. arrange for the order or decision of the Board to be signed and distributed in accordance with the requirements under the MGA.
- 16.2 The ~~Clerk Designated Officer~~ will maintain a record of the hearing.

17. Delegation of Authority

- 17.1 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
- a. its authority under the MGA to prescribe an appeal fee schedule and the remuneration and expenses payable to each member of the Regional Assessment Review Board and to the ~~Clerk Designated Officer~~ who will follow the Oldman River Regional Services Commission policy.

18. Reimbursement of Costs

18.1 The Oldman River Regional Services Commission shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Member Municipalities will be as set out in the agreements established.

Read a First Time this ____ day of _____, 2021.

Read a Second Time this ____ day of _____, 2021.

Read a Third and Final Time this ____ day of _____, 2021.

Mayor / Reeve

Municipal Clerk

Schedule "B"

THE TOWN OF PINCHER CREEK

BYLAW NUMBER 2011/02

A bylaw of the Town of Pincher Creek in the Province of Alberta to establish a Regional Assessment Review Board.

WHEREAS, Section 456 of the *Municipal Government Act*, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

Oldman River Regional Services Commission and Municipalities within the region jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality;

Oldman River Regional Services Commission will pay for the costs associated with the establishment and operations of the Regional Assessment Review Board and each Member Municipality will pay the Commission their portions of those costs.

NOW THEREFORE, the Council of the Town of Pincher Creek, duly assembled, enacts as follows:

I. Title

The title of this Bylaw shall be the "Regional Assessment Review Board Bylaw".

II. Definitions

- 1) Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.
- 2) In this bylaw the following terms shall have the meanings shown:
 - a) "Alternate" means a person who is available to perform the duties of a member in the event the member is unable to fulfil Board duties;
 - b) "Board" means the Regional Assessment Review Board;
 - c) "CARB" means the Composite Assessment Review Board established in accordance with the *'Matters Relating to Assessment Complaints'* regulation;
 - d) "Citizen-at-large" means a person who does not represent a specific organization and is a resident of the Member Municipality.
 - e) "Designated Officer" means the person appointed to carry out the duties and functions of the clerk of the assessment review board as required under section 455 of the Municipal Government Act;

- f) "LARB" means the Local Assessment Review Board established in accordance with the 'Matters Relating to Assessment Complaints' regulation;
- g) "Member" means a member of the Regional Assessment Review Board;
- h) "MGA" means the Municipal Government Act of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act;
- i) "Regional Member Municipality" means those municipalities who enter into an agreement with the Commission to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw.

III. Appointment of Board Members

- 1) Each Member Municipality may appoint one individual to the Board and may appoint an individual as an alternate to the Board
- 2) The Board shall consist of a minimum of twenty members who may be a Citizen-at-large who is a resident of the Member Municipality or a Council member.
- 3) In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.

IV. Terms of Appointment

- 1) Unless otherwise stated, all Members are appointed for three-year terms, except in the initial year where up to three are appointed for three-year terms and up to four are appointed for two-year terms.
- 2) If a vacancy on the Board occurs the Member Municipality who made the appointment may appoint a new person to fill the vacancy for the remainder of the term.
- 3) A Member may be re-appointed to the Board at the expiration of his/her term.
- 4) A Member may resign from the Board at any time on written notice to the Designated Officer and to the Member Municipality to that effect.
- 5) The Member Municipality may remove their designated Member at any time.

V. Panels of the Board

- 1) The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels are to consist of:
 - three persons selected by the Designated Officer when the Board is acting as a Composite Assessment Review Board or a Local Assessment Review Board; or
 - a single member selected by the Designated Officer when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.

- 2) The Designated Officer may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
 - the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
 - the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board;
 - where possible, the Designated Officer shall include on a three-person panel a member who is from the municipality under whose jurisdiction the complaint arises.

VI. Chairperson

The Chairperson of a panel:

- will preside over and be responsible for the conduct of meetings;
- may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
- will vote on matters submitted to the panel unless otherwise disqualified.

VII. Jurisdiction of the Board

The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality.

VIII. Designated Officer(s) of the Board

- 1) The Designated Officer(s) of the Board shall be a person designated by the Oldman River Regional Services Commission's Director.
- 2) The Designated Officer shall:
 - shall assist the Board in fulfilling its mandate; and
 - prescribe the remuneration and expenses payable to each member of the Assessment Review Board.

IX. Meetings

- 1) Meetings will be held at such time and place as determined by the Board.
- 2) The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the Freedom of Information and Protection of Privacy Act.

X. Quorum and Voting

- 1) The quorum for panels of the Board shall be as established by the MGA, namely:
 - two members of a panel acting as a local assessment review board; and
 - one member and the provincial member of a panel acting as a composite assessment review board.
- 2) All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- 3) The majority vote of those Members present and voting constitutes the decision of the Board.
- 4) Where a member of a panel absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the Designated Officer shall appoint a replacement member of the panel.

XI. Conflict of Interest

- 1) Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the member:
 - declares that he or she has a conflict of interest; and
 - describes in general terms the nature of the conflict of interest.
- 2) The Designated Officer shall cause a record to be made in the Minutes of the members' absence and the reasons for it.
- 3) For the purposes of this provision, a member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
 - he or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the issue; or
 - substantial doubt as to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

XII. Pecuniary Interest

- 1) The pecuniary interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.
- 2) A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

XIII. Commencement of Appeals

- 1) A taxpayer may commence an assessment complaint by:
 - mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the ‘Matters Relating to Assessment Complaints’ regulation and within the time specified in the MGA; and
 - paying the applicable fee.

XIV. Rules of Order

- 1) The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

XV. Adjournments

- 1) The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
 - allowing the Board to obtain a legal opinion or other professional guidance; or
 - to allow a viewing by the Board of the site in respect of which the appeal is being made.
- 2) Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by e-mail) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

XVI. Notice of Decisions & Record of Hearing

- 1) After the hearing of a complaint, the Designated Officer shall:
 - under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - arrange for the order or decision of the Board to be signed and distributed in accordance with the requirements under the MGA.
- 2) The Designated Officer will maintain a record of the hearing.

XVII. Delegation of Authority

- 1) In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
 - its authority under the MGA to prescribe an appeal fee schedule and the remuneration and expenses payable to each member of the Regional Assessment Review Board and to the Designated Officer who will follow the Oldman River Regional Services Commission policy.

XVIII. Reimbursement of Costs

- 1) The Oldman River Regional Services Commission shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Member Municipalities will be as set out in the agreements established.

XIX Repeal and Coming Into Force

1. Bylaw No. 2010/04 and all amendments thereto are hereby repealed upon this bylaw coming into force.
2. This bylaw comes into force when it receives third reading and is signed by Mayor and the Chief Administrative Officer or designates.

Read a First Time in Council this 24 day of May, 2011.

Read a Second Time in Council this 13 day of JUNE, 2011.

Read a Third and Final Time in Council this 13 day of JUNE, 2011.



Mayor / Reeve



Municipal Clerk



BYLAW 1596-21
of the
Town of Pincher Creek

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BYLAW 1596-20
Of the
TOWN OF PINCHER CREEK

**A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF
ALBERTA, FOR THE PURPOSE OF REGULATING PROCEEDINGS OF COUNCIL MEETINGS**

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, the Municipality has the authority to pass bylaws for municipal purposes respecting citizens' safety, health and welfare, property, services and business activities;

AND WHEREAS Section 145 of the Municipal Government Act allows a Council to pass bylaws for the establishment, functions, procedures and conduct of Council committees and other bodies established by Council;

AND WHEREAS Section 146(b) of the Municipal Government Act allows a Council to pass bylaws where Council committees may consist of a combination of Councillors and other persons;

AND WHEREAS Section 153(e) of the Municipal Government Act states that a Councillor's duty is to keep in confidence matters discussed in private at a Council or committee meeting until discussed at a meeting held in public.

AND WHEREAS Section 180(1) of the Municipal Government Act requires Council to act only by resolution or bylaw;

AND WHEREAS Section 197(1) of the Municipal Government Act states that a Council and Council Committees must conduct their meetings in public;

AND WHEREAS Section 197(2) of the Municipal Government Act allows a Council and its committees to close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act;

AND WHEREAS Section 198 of the Municipal Government Act states that everyone has a right to be present at Council and committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct;

NOW THEREFORE the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled in a regular meeting, hereby enacts the following rules for the order and conduct of all Council meetings.

TITLE

This bylaw shall be cited as the "Council Procedural Bylaw".

DEFINITIONS

All terms and phrases used in this bylaw shall be as defined in the Municipal Government Act, being Chapter M-26, of the Statutes of Alberta, 2000, and amendments thereto, unless otherwise noted.

"CAO" is the Town of Pincher Creeks Chief Administrative Officer in accordance with Section 205 of Alberta's Municipal Government Act;

"Committee" is a standing committee, special committee or ad hoc committee established in accordance with Section 145 of the Municipal Government Act;

"Committee of the Whole" is a committee consisting of all Councillors;

"Council" consists of a Chief Elected Official (Mayor) and six Councillors, all of which are elected by the citizens of the Town of Pincher Creek;

"Councillor" shall mean every Councillor including the Chief Elected Official;

"Closed Meeting" shall mean a Council or committee meeting or part of a meeting which is held in private and closed to the public may include any person or persons invited to attend by Council;

"Mayor" is the Town of Pincher Creek's Chief Elected Official;

"MGA" refers to the Municipal Government Act, being Chapter M-26, Statutes of Alberta, 2000 and amendments thereto;

"Notice of Motion" refers to the expression of a Councillors intention to place a motion before Council at a future Council Meeting;

"Presiding Officer" is the person who chairs a Council or committee and who shall be either the Mayor, the Deputy Mayor, a committee chairperson, or a Councillor appointed by council or that is selected by committee members as directed by the resolution establishing the committee;

"Special Meeting" is a public meeting of all Councillors scheduled outside of the regular Council meeting schedule;

"Special Resolution" is one that requires majority of Councillors to vote in support of a resolution;

"Town" is the Town of Pincher Creek in the Province of Alberta.

APPLICATION

1. This bylaw shall govern the proceedings of Council and committees established by Council.
2. If a matter relating to meeting procedure is not addressed in this bylaw, the law of the Parliament of Canada shall be followed. In such cases the decision of the Mayor or other presiding officer shall be final and accepted without debate.

ORGANIZATIONAL MEETING

3. Council shall hold an annual organizational meeting pursuant to the time frame specified in Section 192 of the MGA.
4. The first meeting following a general municipal election is an organizational meeting where;
 - a) the Mayor takes the Oath of Office of the Mayor,
 - b) every Councillor takes the Oath of Office of Councillor,
 - c) Councillors are assigned to Council's statutory, standing, and/or ad hoc committees and to other bodies on which Council wishes to be represented,
 - d) council may make a motion to appoint one or more Councillors as Deputy Mayor and if so, the Deputy Mayor(s) take the Oath of office of Deputy Mayor.

The election of Deputy Mayor is based on a rotational system whereby all Councillors are granted an opportunity so serve in that capacity over the term. Each of the six Councillors is to be designated for an eight-month term. The office of Deputy Mayor can be removed without reason or cause, by a majority vote.

5. At annual organizational meetings in years that do not have municipal elections, Council;
 - a) confirms membership on statutory, standing and ad hoc committees as well as other bodies on which Council wishes to be represented,
 - b) adopts Council's regular meeting schedule for the period until and including the next organizational meeting,
 - c) undertakes such organizational business as may be required.

COUNCIL AND COMMITTEE MEETINGS

6. All meetings of Council will be held in public except when;
 - a) a person is excluded for improper conduct,
 - b) when Council adopts a resolution to move to a closed session .

LOCATION, DATE AND TIME

7. All regular Council meetings shall be held in the Town's Council Chambers, located at 962 St. John Avenue, Pincher Creek, Alberta

8. Regular meetings shall be held on the second and fourth Mondays of each month, with the exception of July, August and December.
 - a) meetings shall be held on the fourth Monday of July and of August,
 - b) meetings shall be held on the second Monday of December,
 - c) when a statutory holiday falls on a Monday, the Council meeting will be moved to the following Tuesday.
9. Council may change the time, date or location of their respective meetings by special resolution provided that in both cases at least twenty-four (24) hours' notice of the change is given;
 - a) in writing to all Councillors,
 - b) by posting a notice of the change at the entrance of the Town Office for members of the public;
 - c) by posting a notice of the change on the home page of the Town's website, and in any other manner as directed by resolution of Council.

QUARUM

10. A quorum refers to a simple majority of Councillors or committee members present at a meeting.
11. Councillors may participate in Council meetings via electronic audio or visual communications under the following conditions;
 - a) the facilities' technology must allow all Councillors to hear the discussion involving all other participants at the meeting,
 - b) the remote Councillor shall be considered present and part of the quorum,
 - c) the recording secretary shall record the names and the electronic communications format by which the Councillor(s) participated.
12. If the Mayor or Deputy Mayor is not in attendance within twenty (20) minutes after the hour appointed for a meeting and a quorum is present, the CAO or designate shall call the meeting to order. A Presiding Officer shall be chosen by the Councillors present, who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
13. Unless a quorum is present within twenty (20) minutes after the time appointed for the meeting, the meeting will stand adjourned until,
 - a) the next regular meeting date, or
 - b) until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.

The recording secretary shall record the names of the Councillors present at the expiration of the 20 minute time limit.

14. If a quorum is lost after the meeting is called to order, the meeting shall be suspended until quorum can be re-obtained.

15. If quorum is not obtained within 30 minutes, the meeting shall stand adjourned.

SPECIAL MEETINGS

16. Pursuant to Section 194 of the MGA,
 - a) the Mayor may call a special Council meeting by giving at least 24 hours written notice to all Councillors and the public, advising them of the meeting's purpose, location, date and time.
 - b) the Mayor must call a special Council meeting upon receipt of a written request for the meeting, stating its purpose, from a majority of the Councillors.
 - c) the Mayor may call a special Council meeting on shorter notice to all Councillors without providing notice to the public, if two-thirds of Councillors agree to this in writing before the beginning of the meeting.
 - d) no business other than that stated in the notice calling the special meeting shall be considered at the meeting unless all Councillors are present and council agrees to deal with the matter in question.

COMMITTEE MEETINGS

17. Unless otherwise established, the time and place for Council committee meeting shall be set at the call of the committee Chair or as set out in bylaw or policy.
18. All Council committees shall adhere to the rules of procedure established in this bylaw unless otherwise modified by Council.

COUNCIL MEETING AGENDAS

STANDARD ORDER OF BUSINESS

19. The business of regular Council meetings follows a standard format set out in Schedule A.
20. Notwithstanding the standard Order of Business, the Mayor and pertinent committee chair may arrange for items dealing with a particular subject to be grouped together on the agenda of any individual meeting.
21. The standard agenda may be amended from time to time by Council resolution.
22. The Mayor shall review the agenda with the CAO prior to distribution to Councillors.

SUPPORTING DOCUMENTS

23. All documents and notices of delegations intended to be addressed by Council shall be submitted to the CAO not later than 4:00 pm one week prior to the Thursday agenda posting.
24. If past the deadline, Council items may be brought forth for placement on a following meeting agenda.

DISTRIBUTION

25. By 1:00 pm on the Thursday before the regularly scheduled Council meeting, the CAO shall distribute to each Councillor;
 - a) the agenda,

- b) the minutes of the last regular meeting and any subsequent special meetings,
 - c) a statement of quarterly accounts (if applicable),
 - d) any material pertinent to the forthcoming regular meeting including documents that support requests for decision.
26. By 1:00 pm on the Thursday before the regular Council meeting;
- a) agendas for Council meetings and statutory, standing and ad hoc committee meetings shall be posted in the Council's area on the Town's web site,
 - b) a news release announcing the posting of the agenda for the upcoming Council meeting shall be posted on the home page of the Town's web site,
 - c) a calendar shall be placed in the public area of the Town of Pincher Creek's Administration Building, located at 962 St. John Avenue.
27. Any written communication intended for Council or a committee which reaches the CAO must;
- a) be legible and coherent,
 - b) be signed by at least one person who provides a printed name and address,
 - c) be on paper or in an electronic format,
 - d) not be libelous, impertinent or improper.
28. When the CAO receives written communication meeting the requirements specified in Article 29, he/she must;
- a) refer the communication to the administration for a report or a direct response, and inform Councillors through the agenda, of the referral,
 - b) if it relates to an item already on an agenda, provide a copy of the communication to Councillors with the agenda.
29. If the requirements of Article 29 are not met, the communication may be filed unless the CAO determines it to be libelous, impertinent or improper, in which case the CAO summarizes the communication and informs Council that it is being withheld.
30. Council may direct the communication being withheld to be forwarded to Council.
31. The CAO must make reasonable efforts to respond to the person sending the communication and to advise that person of any action taken on the subject of the communication.

GENERAL PROCEEDINGS AT MEETINGS

AGENDA

- 32. Council must vote to adopt the agenda.
- 33. Council may only make changes to the agenda by special resolution and these changes may only consist of adding new items or deleting items.

34. In no motion is made about a specific item on the agenda, Council need not deal with that item during the meeting.

MINUTES

35. The minutes of each meeting must be circulated to each Councillor prior to the meeting at which they are to be adopted.
36. Debate on the minutes of a previous meeting is limited to ensuring that the minutes are accurate.
37. If the minutes;
 - a) contain errors or omissions, Council must pass a resolution to amend the minutes and adopt the minutes as amended,
 - b) do not contain errors or omissions, Council must adopt the minutes as circulated.

DESIRE TO SPEAK

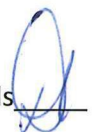
38. Any Councillor desiring to speak shall address all remarks to the Presiding Officer and shall confine communication to the question or motion on the table.
39. Councillors wishing to speak on an agenda item during a meeting must indicate their intention by raising their hand. Any Councillor present via electronic communications, shall address the Presiding Officer by stating "I wish to speak on the matter at hand".
40. Each Councillor should not speak more than once until every Councillor has had the opportunity to speak except;
 - a) in the explanation of a material part of the speech which may have been misunderstood,
 - b) in reply,
 - c) to close debate,
 - d) after everyone else wishing to speak has spoken.

MOTIONS AND RESOLUTIONS

41. Every motion or resolution shall be stated clearly by the mover and when duly moved, shall be open for consideration.
42. After a resolution has been stated or read, it shall be deemed to be in possession of Council, but may be withdrawn by unanimous consent of the Councillors present.
43. Each Councillor should limit discussion on any motion to ten (10) minutes.

ORDER AND DECORUM

44. The Presiding Officer shall maintain order and decorum and decide questions of order, subject to an appeal to the Council.
45. The decision of the Presiding Officer shall be final unless reversed or altered by a majority vote of the members present without debate.



46. When the Presiding Officer is called upon to decide a point of order or practice, he or she shall cite the rule of authority applicable, as set out in this bylaw or otherwise referred to in Roberts Rules of Order.
47. A member called to order by the Presiding Officer shall immediately discontinue speaking and the debate shall be suspended until the point of order is decided.

REPORTS

48. An information report from a committee, agency or administrative staff that does not request Council action other than receipt as information may only be;
 - a) received as information without debate,
 - b) referred to a committee or the CAO by majority vote without debate, or
 - c) debated, if a special resolution as passed to allow a motion to be made without notice.
49. Reports from the CAO or other management personnel which request a decision by Council may be debated and Council may;
 - a) vote on the request, or
 - b) refer the request to a committee or the CAO for investigation and report.

COUNCILLOR REQUEST FOR INFORMATION

50. Councillors may request information from the CAO on any matter within the municipality's jurisdiction.
51. When a Councillor requests information, the CAO or designate, will provide a response to each Councillor at the next Council meeting. If that is not possible, the CAO will provide a progress report indicating when the answer to the inquiry may be expected.

IN CAMERA SESSIONS

52. Council and committees may conduct all or a part of a meeting closed to the public;
 - a) only if a matter to be discussed is within one of the categories of private information referred to in Section 197 of the MGA, and, a majority of the Councillors present are of the opinion that it is in the public interest to close the meeting to the public;
 - b) shall state the purpose, time and those in attendance in the resolution to close the meeting to the public;
 - c) the rules of Council shall be observed in the closed meeting;
 - d) the only resolution Council have the power to make in the closed meeting is to revert back to an open meeting.

DISCIPLINARY PROCEDURES

53. Councillors shall not;
 - a) use offensive or unparliamentary language in the meeting or directed to Council, any Councillor or any other person;

- b) disobey the rules of the meeting or decision of the Presiding Officer or of Councillors on questions of order or practice; or upon the interpretation of the rules of the meeting;
- c) speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, of Council or of any other governing body in Canada;
- d) leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
- e) interrupt a Councillor while speaking, except to raise a point of order;
- f) discuss a vote of Council after the vote has been taken, unless to rescind;
- g) influence or direct any municipal employees;
- h) direct inquiries to municipal employees other than the CAO who will be responsible for ensuring that the inquiry is responded to.

COUNCILLOR BREACHES OF ORDER

- 54. When a Councillor has been warned about breaches of order but continues to engage in them, the Presiding Officer may name the Councillor by stating their name and declaring the offence. The Recording Secretary must note the offence in the minutes.
- 55. If a Councillor who has been named apologizes and withdraws any objectionable statement, then the Councillor may remain and continue participating in the meeting and the Presiding Officer may direct that the notation of the offence be removed from the minutes.

PUBLIC BREACHES OF ORDER

- 56. Any members of the public are not allowed to approach or to speak to any Councillor during a Council meeting without the Presiding Officer's permission.
- 57. The Presiding Officer may order any member of the public who disturbs Council or committee proceedings by words or actions, to be expelled.
- 58. If the person refuses to leave voluntarily, the Presiding Officer may request that the Royal Canadian Mounted Police to remove the person.

MOTIONS AND RESOLUTIONS

MOTION BEFORE COUNCIL

- 59. After a motion is read or stated by the Presiding Officer, it shall be deemed to be in the possession of the Council, but may be withdrawn by the mover at any time before debate or decision.
- 60. A motion does not require a seconder.
- 61. The Mayor shall be permitted to put forward motions.
- 62. Any Councillor may require the motion under discussion to be read at any time during the debate, except when a Councillor is speaking.
- 63. The mover of a motion must be present when the vote on the motion is taken. Councillors participating via electronic audio or visual communications are deemed to be present.

64. When a motion is before the meeting and the mover wishes to withdraw or modify it, or substitute a different one in its place, and if no one objects, the Presiding Officer shall grant permission. If any objection is made however, it is necessary to obtain leave by motion to withdraw and this motion cannot be debated or amended.
65. Once a motion is withdrawn, the effect is the same as if it had never been made.
66. When a motion is under debate, no new motion shall be received other than a motion to:
 - a) adjourn (non-debatable);
 - b) withdraw (non-debatable);
 - c) table (non-debatable);
 - d) call the question (non-debatable);
 - e) postpone to a certain time or date (debatable);
 - f) refer (debatable);
 - g) amend (debatable);
 - h) postpone indefinitely (debatable).

SPECIAL RESOLUTIONS

67. When Council deems that it is necessary to take an expedient action for the benefit of the municipality and that it should happen before the next regularly scheduled Council meeting, it may pass a special resolution.
68. A Councillor addresses the Presiding Officer to request that Council consider a special resolution and states what the resolution is about.
69. If a majority of Councillors in attendance vote in favor of allowing the resolution, then it can be presented to Council.
70. If Council defeats the request, then the Councillor can present the resolution under the Council agenda item that addresses notices of motion and it will be dealt with at the next regular Council meeting.

NOTICES OF MOTION

71. A notice of motion must be used to introduce a new matter for Council's consideration which does not appear on the agenda, and should be used to give notice when an extended period of time is advisable prior to considering a subject.
 - a) the Councillor shall read the notice of motion which must be recorded in the minutes and shall form part of the agenda for the subsequent meeting.
 - b) a Councillor who hands the written notice of motion to the CAO to be read at any regular meeting, need not necessarily be present during the reading of the motion.
72. A Councillor may make a motion introducing a new matter only if:
 - a) notice is given at the previous regular Council meeting,

- b) a legible copy of the content of the notice is made available to the CAO no later than 12:00 pm on the Monday before the regular meeting, or
 - c) Council passes a special resolution dispensing with notice.
73. A notice of motion must give sufficient detail about the subject of the motion and any proposed action and must state the date of the meeting at which the motion will be made.
74. A notice of motion must be given without discussion of the matter but any written copies distributed may include explanatory paragraphs.
75. When notice has been given, the CAO will include the proposed motion in the agenda of the meeting for the date indicated in the notice. If a motion is not made at the meeting indicated in the notice, it will be removed from the agenda and may only be made by a new notice of motion.

SIMILARITY OF MOTIONS

76. No motion shall be made that is the same as, or similar to the previous motion made during the same meeting.
77. Any issue addressed by Council at any regular Council meeting where a resolution has been voted upon (either carried or defeated), other than a motion to postpone, shall not be allowed to be brought back to any regular meeting for further consideration until at least three (3) months following the date of the Council meeting where it was originally addressed except by means of majority vote of Council in attendance.

LACK OF QUORUM FOR A MOTION


78. If a motion cannot be voted on because there would be no quorum due to an abstention allowed or required by statute, then the matter will be dealt with as unfinished business and proceeded with at the next regular Council meeting.
79. If Council is unable to achieve a quorum due to allowable abstentions, then Council must ask the Minister of Municipal Affairs for an order under the MGA.

VOTING ON A MOTION

80. A motion, excepting a special resolution, shall be carried when a majority of Councillors at a meeting vote in favor of the motion.
81. A motion is lost when the vote is defeated or tied.
82. Where a question under consideration contains distinct propositions, the vote upon each proposition may be taken separately, at the request of any Councillor.

ABSTENTIONS FROM VOTING

83. Pursuant to Section 183 of the MGA, a Councillor must vote on a matter put to a vote at the meeting unless he or she is required or permitted to abstain from voting under this or any other enactment.
84. Councillors who have a pecuniary interest, as defined in Section 170 of the MGA where, in any matter related to a question put to a vote, shall, if present;



Bylaw 1596-21

- a) declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter,
 - b) abstain from discussions or voting on any question relating to the matter, and
 - c) remove themselves from the room until the matter is concluded.
85. The minutes shall indicate each abstention and its reasons including the declaration of disclosure of a pecuniary interest, and shall also indicate the times at which the Councillor left and returned to the room.
86. Notwithstanding Article 88, if a matter related to a Councillor's pecuniary interest is a question upon which the Councillor as a taxpayer, an elector or an owner, has a right to be heard by Council, it is not necessary for the Councillor to leave the room.

PUTTING A MOTION TO A VOTE

87. Once the Presiding Officer puts a question to a vote;
- a) no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared,
 - b) every member present including the Presiding Officer, shall vote unless they are required to abstain.

VOTE VALIDITY

88. Votes on all motions must be taken according to the following procedure;
- a) the Presiding Officer must put forth the motion,
 - b) all Councillors, including the Mayor, must vote by a show of hands,
 - c) the Presiding Officer must declare the result of the vote.
89. Notwithstanding Article 92, a Councillor who is present via electronic audio or visual communications when the motion is put forth, shall be counted as for the motion by stating clearly "in favor" or against the motion by stating clearly "against".

RECORDING A VOTE

90. Before Council takes a vote, a Councillor may request that the vote be recorded.
91. The recording secretary shall record the names of each Councillor present, whether they voted for or against the question, and the Presiding Officer shall announce the results of the vote.

VOTING RESULTS

92. After the Presiding Officer declares the result of a vote, the Councillors may not change their vote for any reason.

BYLAWS

PROCEDURE

93. Where a bylaw is presented to a Council meeting for enactment, the CAO shall cause the number, short title and brief description of the bylaw to appear on the meeting agenda.

94. The following shall apply to the passage of all bylaws:

- a) A bylaw shall be introduced for first reading by a motion that it be read a first time specifying the number of the bylaw.
- b) Councillors may then debate the substance of the bylaw, or consider amendments to it.
- c) Any proposed amendments shall be put to a vote if required. If carried, they shall be considered as having been incorporated in the bylaw at first reading.
- d) When all amendments have been accepted or rejected, the Mayor shall call for a vote on the motion for first reading of the bylaw.
- e) When a bylaw is subject to a statutory public hearing, a date and time shall be established for the hearing following first reading.
- f) All aspects of the passage of a bylaw at first reading shall apply to second and third readings of any bylaw.

THREE READINGS

95. A bylaw shall not be given more than two readings at one meeting unless Councillors present at the meeting unanimously agree that the bylaw may be presented for third reading at the same meeting at which it received two readings.
96. A bylaw shall be passed when a majority of Councillors present vote in favor of third reading, provided that any applicable provincial statute does not require a greater majority.

ENACTMENT OF A BYLAW

97. When a bylaw has been given three readings and is signed in accordance with Section 213 of the MGA, it is considered an enactment of the Town and is effective immediately, unless the bylaw or an applicable provincial statute provides otherwise.
98. The previous readings of a proposed bylaw are rescinded if the proposed bylaw does not receive third reading within two years of first reading or is defeated on second or third reading.
99. After passage, a bylaw shall be dated, signed by the Mayor or designate, and by the CAO.

DELEGATIONS, PUBLIC HEARINGS AND PETITIONS

DELEGATIONS

100. A person or representative of any group of persons who wish to have any matter considered by Council shall address a written communication to the Town outlining the points they wish to bring to Council's attention.
 - a) Such communication shall be in the hands of the CAO not later than 4:00 pm one week prior to the Thursday agenda posting.

- b) When a communication contains a request for an appearance to address Council, Councillors may either hear the representative by resolution or refer it to a Committee.
- c) No person or group shall appear as a delegation to Council on the same or on a related subject until three months has passed since the date of the first presentation, unless specifically requested by a majority vote of Council in attendance.
- d) When a person or representative of a group wishes to address Council on a matter which is not on the agenda, the Council may refer the matter to any appropriate committee, may defer the matter to another meeting of Council, may appoint a special committee to deal with the matter, or deal with the matter itself at the meeting, if so agreed upon by a special resolution of Council.
- e) Matters presented by delegation shall be brought back to Council for disposition within 30 days.

101. Delegations appearing before Council may be addressed by any Councillor through the Presiding Officer, by asking the delegation or the CAO relevant questions but may not debate the matter or the answers.

102. The presentations by a person or a delegation must be;

- a) limited to 15 minutes unless a special resolution extends allotted time,
- b) received as information without debate,
- c) referred without debate to a Committee or the CAO for a report, or debated, if a special resolution is passed to allow a motion to be made without notice.

PUBLIC HEARINGS

103. The conduct of any statutory public hearing to address a proposed bylaw or Council resolution shall be governed by this bylaw.

104. Public hearings shall be held on the same day as a regular Council meeting and will begin immediately following the meeting's Call to Order, unless otherwise set by Council resolution. Council's regular meeting will follow immediately after the public hearing.

105. Wherever possible, persons interested in speaking at a public hearing should register with the CAO prior to the public hearing.

106. The Presiding Officer shall declare the public hearing in session and shall outline public hearing procedures.

107. The CAO or their designate shall introduce the resolution or bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the bylaw or resolution.

108. The Presiding Officer shall request that those who wish to make presentations identify themselves. The Presiding Officer shall then open the floor to public presentations.

109. The Presiding Officer shall call upon those persons who have registered with the CAO to speak first, followed by other persons at the meeting who have not registered to speak but who wish

to address Council. Persons who do not identify themselves will not be given the opportunity to speak.

110. Presentations by the public may be made verbally and/or in written format. Written submissions shall be collected by the CAO and retained for information purposes.
111. Each verbal presentation shall be limited to ten (10) minutes unless there is a majority vote of Council to extend the allotted time.
112. Following public presentations, the Presiding Officer shall close the public hearing.
113. If no one is present to speak to a proposed bylaw or resolution which requires a public hearing, Council may hear an introduction of the matter from the CAO or their designate, ask relevant questions, and then must close the public hearing.
114. After the close of the public hearing, Council may debate matters raised at the public hearing during the regular Council meeting following the public hearing, and may;
 - a) pass the bylaw or resolution, or
 - b) make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.
115. When a public hearing on a proposed bylaw or resolution is held, a Councillor must abstain from voting on the bylaw or resolution if the Councillor is absent from a part or all of the public hearing.

PETITIONS

116. When a group or a person wishes to present a petition to Council on any matter within its jurisdiction, the petition must;
 - a) be typewritten or legibly written,
 - b) clearly articulate the issue,
 - c) be signed,
 - d) indicate if a representative wishes to address the Council on the subject matter of the petition.
117. Before considering a petition, the Council may refer it to the appropriate committee for a report.
118. If the petition concerns a matter which the Council deems urgent, Council may consider it at the next regular Council meeting and may take immediate action thereon.

APPEAL OF PRESIDING OFFICER'S RULING

119. The decision of the Presiding Officer shall be final, subject to an immediate appeal by a Councillor present at the meeting.
120. If a decision is appealed, the Presiding Officer shall give concise reasons for the ruling and the Councillors, without debate, shall decide the question.
121. The ruling of the Councillors shall be final.


RECORD OF PROCEEDINGS

- 122. The CAO is responsible for the record of Council and committee proceedings but may delegate any duties to a recording secretary.
- 123. The record of proceedings shall include;
 - a) all decisions and other proceedings without note or comment,
 - b) the names of Councillors present at and absent from each meeting,
 - c) any abstention pursuant to a declaration of pecuniary interest made by any Councillor in accordance with section 170 of the MGA and/or any other abstention permitted by statute,
 - d) the signatures of the Presiding Officer and the Chief Administrative Officer.


ENACTMENT

- 124. Bylaw No. 1596-18B and amendments thereto is hereby repealed in its entirety.
- 125. Bylaw No. 1596-20 shall take force and effect on the day of its final reading and upon being signed.

READ a first time this 27th, day of September 2021 A.D.




Mayor Don Anderberg

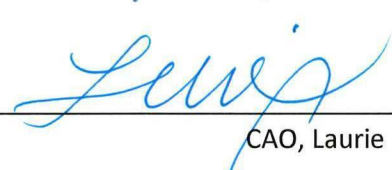


CAO, Laurie Wilgosh

READ a second time this 27th day of September 2021 A.D.



Mayor Don Anderberg




CAO, Laurie Wilgosh

Bylaw 1596-21

READ a third time this this 27th day of September 2021 A.D.



Mayor Don Anderberg



CAO, Laurie Wilgosh

APPENDIX A

STANDARD COUNCIL MEETING AGENDA

1. Call to Order
2. Public Hearings
3. Agenda Approval
4. Delegations
5. Adoption of Minutes
6. Business Arising from the Minutes
7. Bylaws
8. New Business
9. Reports
 - Council
 - Chief Administrative Officer
 - Others
10. Administration (Correspondence, Information)
11. Closed Meeting Discussion
12. Notice of Motion
13. Adjournment

TOWN OF PINCHER CREEK

REQUEST FOR DECISION

Council

SUBJECT: Agreement for Regional Assessment Review Services	
PRESENTED BY: Lisa Goss, Administrative Manager	DATE OF MEETING: 11/8/2021

PURPOSE:

For Council to consider amendments to the Agreement for Regional Assessment Review Services

RECOMMENDATION:

That Council for the Town of Pincher Creek agree and approve the Agreement for Regional Assessment Review Services as presented.

BACKGROUND/HISTORY:

The Oldman River Regional Services Commission is recommending changes to both the Agreement for Regional Assessment Review Services and the Bylaw establishing a local assessment review board and composite assessment review board.

ALTERNATIVES:

That Council for the Town of Pincher Creek receive the information regarding the Agreement for Regional Assessment Review Services as presented.

IMPLICATIONS/SUPPORT OF PAST STUDIES OR PLANS:

In 2010 the Town of Pincher Creek entered into an agreement and adopted a Bylaw for Regional Assessment Review Board services with the Oldman River Regional Services Commission.

FINANCIAL IMPLICATIONS:

There are no changes to the fees in the proposed bylaw or agreement.

PUBLIC RELATIONS IMPLICATIONS:

Amending and updating the Agreement for Regional Assessment Review Services to accommodate recent changes to the Municipal Government Act provide clear direction to Council, administration, and members of the public.

ATTACHMENTS:

DRAFT Agreement for Regional Assessment Review Services - 2751

CONCLUSION/SUMMARY:

Administration supports that Council for the Town of Pincher Creek agree and approve the Agreement for Regional Assessment Review Services as presented.

Signatures:
Department Head:

Lisa Goss

CAO:

Laurie Wilgosh



AGREEMENT FOR REGIONAL ASSESSMENT REVIEW SERVICES

Between

Oldman River Regional Services Commission
(“Coordinator”)

- and -

(“Member Municipality”)

Dated this _____ day of _____, _____

BACKGROUND

- A. Oldman River Regional Services Commission is the Coordinator for property assessment complaints for the residents of the Member Municipalities identified in Schedule “A”;
- B. The Member Municipalities wish to partner together to create one Regional Assessment Review Board.
- C. The Member Municipality is willing to join the Oldman River Regional Services Commission Region’s Regional Assessment Review Services membership.

The Parties agree as follows:

1. AGREEMENT

- 1.1 The following schedules form part of this agreement:
 - Schedule “A” – List of Member Municipalities
 - Schedule “B” – Bylaw
 - Schedule “C” – Responsibilities
 - Schedule “D” – Fees

2. DEFINITIONS

- 2.1 In this Agreement, unless the context provides otherwise, the following words or phrases shall have the following meanings:
 - a. “**Assessor**” is the person appointed by the Member Municipality to assess residents’ property.
 - b. “**Assistant Clerk**” is a staff person employed by a Member Municipality to provide service to the Complainant;
 - c. “**CARB**” is Composite Assessment Review Board as defined by the Matters Relating to Assessment Complaints Regulation;

- d. **“Clerk”** is the ~~Chief Administrative Officer~~ **Director** of Oldman River Regional Services Commission appointed by the Regional Member Municipality to act as the ~~Clerk Designated Officer~~ to the Regional Assessment Review Board;
- e. **“Complainant”** is an assessed person or taxpayer;
- f. **“Coordinator”** is Oldman River Regional Services Commission;
- g. **“LARB”** is Local Assessment Review Board as defined by the *Municipal Government Act*;
- h. **“Member Municipality”** is a municipality listed in Schedule “A”;
- i. **“Regional Assessment Review Board”** means the Board appointed to hear appeals on tax and assessment notices established in accordance with section 454 of the *Municipal Government Act*.

3. MEMBER MUNICIPALITY RESPONSIBILITIES

- 3.1 The Member Municipality shall be entitled to participate in the Regional Assessment Review Board once it passes a Bylaw in the form attached as Schedule “B”.
- 3.2 The Member Municipality may select and appoint one Citizen-at-large to be a Board Member and one Council member to be available to sit on a panel for the Regional Assessment Review Board.
 - a. If a vacancy on the Board occurs at any time, the Member Municipality who appointed the individual may appoint a new individual to fill the vacancy for the remainder of that term.
 - b. Any costs incurred to advertise and select a Board Member are the responsibility of the Member Municipality.
- 3.3 Each Member Municipality will pay an equal portion of costs to train Board members, procure insurance and provide any other general costs to establish and maintain the Regional Assessment Review Board. This will include legal services if they are required for general purposes to facilitate the administration of the Board (i.e., procedural questions).
- 3.4 The Member Municipality requiring a Hearing will pay all costs related to the Hearing, i.e., Board Member & Clerk honorarium, mileage. If there are multiple Hearings held involving more than one Member Municipality, each municipality will pay their portion of costs based on number of Hearings. If legal services are required for issues that relate only to a specific complaint, the cost of the service will be payable by the Member Municipality which has jurisdiction over the appeal.
- 3.5 The Coordinator will be responsible to pay all costs related to the Regional Assessment Review Board and invoice each Member Municipality as per clauses 3.3/3.4. The Coordinator will charge administration or staff fees for the services provided to operate the Board as prescribed in Schedule “D” - Fees.
- 3.6 Oldman River Regional Services Commission will invoice Member Municipalities based on actual costs to operate the Board. All invoices are payable within 30 days upon receipt of invoice.

4. COORDINATOR RESPONSIBILITIES

- 4.1 The Coordinator will coordinate services for the Member Municipality as identified in Schedule "C" and may assign any responsibilities to the Clerk as deemed necessary.
- 4.2 The Coordinator will, at the request of the Member Municipality, assist during negotiations between the Assessor and the Complainant.
- 4.3 The Coordinator is responsible for ensuring the Regional Assessment Review Board members receive training in accordance with the MGA and regulations.
- 4.4 The Coordinator is responsible to assign a panel of Committee Members (in consultation with the affected Municipality) to the CARB, LARB or one member Board for administrative items as described in the MGA.
- 4.5 The Coordinator will follow Oldman River Regional Services Commission's current remuneration policy for Board Members and Oldman River Regional Services Commission assessment appeal fee schedule "D".
- 4.6 The Coordinator will keep a record of the complaint in accordance with the MGA and regulations.
- 4.7 The Coordinator will retain paper records such as background information, correspondence, appeal notices and withdrawn appeals for ten (10) years upon receipt of such paper records. However, agendas and minutes are permanent records.
- 4.8 The Coordinator will maintain liability insurance for the Board, obtain legal services when required and ensure the affected Member Municipality is informed.

5. ASSISTANT CLERK RESPONSIBILITIES

- 5.1 The Assistant Clerk will, when required, administer withdrawn appeals in accordance with the Member Municipality's practice.
- 5.2 The Assistant Clerk will, upon receiving an appeal, review the documents for validity and compliance with the MGA and regulations.
- 5.3 The Assistant Clerk will forward a copy of all the appeal documents to the Regional Clerk, and advise regarding hearing location preferences.
- 5.4 Any other responsibilities as identified in Schedule "C".

6. TERM

- 6.1 The term of this Agreement shall be deemed as indefinite, provided, however, this Contract may be terminated as follows:
 - (a) By mutual consent, in which case, this Agreement will be terminated effective the date of the mutual consent and the Commission will be entitled to payment of fees, on a pro rata basis, to the effective date of termination.

- (b) For cause, by delivery of a written notice of termination specifying the cause in which case the termination shall be immediate; "cause" being defined as any persistent or material breach by either party in its performance or observance of the terms of this Agreement.
- (c) Without cause or mutual consent, by delivery of a THREE (3) month notice of termination by either party, in which case the Commission will be entitled to payment of fees and expenses, on a pro rata basis, to the effective date of the termination.

7. PRIVACY

- 7.1 The Coordinator is subject to the *Freedom of Information and Protection of Privacy Act* (FOIP) and will protect the confidential information provided from unauthorized access or disclosure.
- 7.2 The Member Municipalities shall ensure that any information of a confidential nature which it provides to the Coordinator is clearly marked as such.

8. INFORMATION SHARING

- 8.1 Member Municipalities will make every reasonable effort to ensure information will be or is intended to be used to make a decision in an assessment review is both complete and accurate.
- 8.2 In order to process reviews for a property tax or assessment notice, the Coordinator is authorized to collect the following types of personal information:
 - a. Roll Number
 - b. Legal Address
 - c. Civic Address
 - d. Registered Owner Name(s)
 - e. Registered Owner(s) mailing address and phone number
 - f. Assessed Value and Assessment Class of the property under review
 - g. Name, address and phone number of Registered Agent for the Owner
- 8.3 Personal information will be collected from the Member Municipality or ratepayer as per the FOIP Act.

9. DISPUTE RESOLUTION

- 9.1 All claims, disputes, and other matters arising out of this Agreement or relating to a breach thereof may, upon agreement of both parties, be referred to either:
 - a. Mediation – voluntary, no risk, non-binding process bringing the parties to a resolution. The mediator will be appointed upon the agreement of both parties; or
 - b. Arbitration – upon the agreement of both parties, be referred to a single arbitrator under the Arbitration Act, and if so referred, the decision of the arbitrator shall be final, conclusive and binding upon the parties. If the parties are not able to agree on an arbitrator, the Alberta Court of Queen’s Bench shall select one. All costs associated with the appointment of the arbitrator shall be shared equally unless the arbitrator determines otherwise in accordance with the Arbitration Act of Alberta.

10. INDEMNIFICATION

- 10.1 The Member Municipality agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Oldman River Regional Services Commission, its Board, Executive, Chief Administrative Officer and Employees against all damages, liabilities or costs arising out of the property assessment or disputes related to the property assessment.
- 10.2 The Member Municipality is solely responsible for the property assessments and compliance with the outcome of the disputed property assessments.
- 10.3 In the furnishing of any services by the Coordinator, the Coordinator shall not assume any responsibility, obligations or duties in respect to the services.

11. INSURANCE

- 11.1 The Coordinator through the Jubilee Insurance Program will arrange for comprehensive general liability insurance and directors and officers liability insurance to cover the Board and the members.

12. NOTICES

- 12.1 Any notices or other correspondence required to be given to any party to this agreement shall be deemed to be adequately given if delivered to the Member Municipality address as provided in Schedule "A".

13. FORCE MAJEURE

- 13.1 Each party reserves the right, at its option, either to suspend or cancel this Agreement, in whole or in part, at any time, without incurring any costs or damages whatsoever, where such suspension or cancellation is caused by force majeure, including, but not limited to, acts of God, the public enemy of the government, strikes or other labour disputes, fires, floods, freight embargoes, unusually severe weather or other contingencies beyond the control of either party.

14. SINGULAR AND MASCULINE

- 14.1 Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Agreement shall include all genders and words importing parties or persons in this Agreement shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

15. GOVERNING LAW

- 15.1 This Agreement shall be deemed to have been made in accordance with the laws of the Province of Alberta except the International Sale of Goods Act, which is specifically excluded. The Courts of Alberta shall have sole and exclusive jurisdiction over any dispute or lawsuit between the parties.

16. INTERPRETATION

- 16.1 The headings in the Agreement are for ease of reference only and shall not affect the meaning or the interpretation of this Agreement.

17. SUCCESSORS

17.1 This Agreement shall inure to the benefit of and be binding upon the Parties and, except as herein before provided, the successors and assigns thereof.

18. ENTIRE AGREEMENT

18.1 This Agreement is the whole agreement between the parties and may not be modified, changed, amended or waived except by signed written agreement of the parties.

19. COUNTERPART

19.1 This Agreement may be executed in any number of counterparts by the parties. All counterparts so executed shall have the same effect as if all parties actually had joined in executing one and the same document.

The parties to this Agreement have affixed their corporate seals signed by the hands of their proper officers. In the absence of a corporate seal, the "Affidavit Verifying Corporate Signing Authority" and the "Affidavit of Execution" attached shall be completed in full.

OLDMAN RIVER REGIONAL SERVICES COMMISSION

PER: _____

PER: _____

"MUNICIPALITY"

PER: _____

PER: _____

**Schedule “A”
Member Municipalities**

As of June 1, 2021:

Arrowwood – Village
Barnwell – Village
Barons – Village
Cardston – County
Cardston – Town
Carmangay – Village
Champion – Village
Claresholm – Town
Coaldale – Town
Coalhurst – Town
Coutts – Village
Crowsnest Pass – Municipality
Fort Macleod – Town
Glenwood – Village
Hill Spring – Village
Lethbridge – County
Lomond – Village
Magrath – Town
Milk River – Town
Milo – Village
Nanton –Town
Nobleford – Village
Picture Butte – Town
Pincher Creek – Municipal District
Pincher Creek – Town
Raymond – Town
Stavely – Town
Stirling – Village
Taber – Municipal District
Vauxhall – Town
Vulcan – County
Vulcan – Town
Warner – County
Willow Creek – Municipal District

Schedule “B”

“MUNICIPALITY” BYLAW NUMBER _____

A bylaw of the “Municipality” in the Province of Alberta to establish a Regional Assessment Review Board.

WHEREAS, section 454 of the *Municipal Government Act*, states that council must by bylaw establish a local assessment review board and a composite assessment review board; and

WHEREAS, section 454.1(1) of the *Municipal Government Act*, states that council must appoint at least 3 persons as members of the local assessment review board; and

WHEREAS, section 454.2(1) of the *Municipal Government Act*, states that council must appoint at least 2 persons as members of the composite assessment review board; and

WHEREAS, section 455(1) of the *Municipal Government Act*, states that two or more councils may agree to jointly establish the local assessment review board or the composite review board, or both, to have jurisdiction in their municipalities; and

WHEREAS, Oldman River Regional Services Commission (Commission) and Municipalities within the region, jointly wish to establish a Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by an assessed person or taxpayer of a Regional Member Municipality; and

WHEREAS, Oldman River Regional Services Commission will pay for the costs associated with the establishment and operations of the required Assessment Review Board(s) and will invoice the Municipality their portion of the costs.

NOW THEREFORE, the Council of the “Municipality”, duly assembled, enacts as follows:

1. Title

1.1 The title of this Bylaw shall be the “Regional Assessment Review Board Bylaw Amendment 2021”.

2. Definitions

2.1 Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the MGA.

2.2 In this bylaw the following terms shall have the meanings shown:

- a. **Alternate** means a person who is available to perform the duties of a member in the event the member is unable to fulfil Board duties.
- b. **Board** means the Regional Assessment Review Board.
- c. **CARB** means the Composite Assessment Review Board established in accordance with the ‘*Matters Relating to Assessment Complaints*’ regulation.
- d. **Clerk** means the person appointed to carry out the duties and functions ~~of the clerk~~ of the assessment review board as required under section 456 of the *Municipal Government Act*.

- e. **Citizen-at-large** means a person who does not represent a specific organization and is appointed by Council.
- f. **LARB** means the Local Assessment Review Board established in accordance with the *Matters Relating to Assessment Complaints*’ regulation.
- g. **Member** means a member of the Regional Assessment Review Board.
- h. **MGA** means the *Municipal Government Act* of Alberta, RSA 2000, Ch. M-26, as amended and Regulations passed under that Act.
- i. **Regional Member Municipality** means those municipalities who enter into an agreement with the Commission to jointly establish a Regional Assessment Review Board and who enact a bylaw substantially in the form of this bylaw.

3. Appointment of Board Members

- 3.1 Each Member Municipality may appoint one individual to the Board and may appoint an individual as an alternate to the Board.
- 3.2 The Board shall consist of a minimum of twenty members, some of whom may be a Citizen-at-large or a Council member.
- 3.3 In addition, when sitting as the CARB, the Board shall include the provincial member appointed by the Minister.

4. Terms of Appointment

- 4.1 Unless otherwise stated, all Members are appointed for three-year terms, except in the initial year where up to three are appointed for three-year terms and up to four are appointed for two-year terms.
- 4.2 If a vacancy on the Board occurs the Member Municipality who made the appointment may appoint a new person to fill the vacancy for the remainder of the term.
- 4.3 A Member may be re-appointed to the Board at the expiration of his/her term, provided recertification training has occurred prior to the expiration of term.
- 4.4 A Member may resign from the Board at any time on written notice to the Designated Officer Clerk and to the Member Municipality to that effect.
- 4.5 The Member Municipality may remove their designated Member at any time.

5. Panels of the Board

- 5.1 The Board shall sit in panels to hear assessment complaints as the nature of the complaint may permit or require, such panels are to consist of:
 - a. three persons selected by the Clerk when the Board is acting as a Composite Assessment Review Board or a Local Assessment Review Board;
 - b. two persons selected by the Clerk when the Board is acting as a Composite Assessment Review Board; or
 - c. a single member selected by the Clerk when the Board is acting as a Single Member Composite Assessment Review Board or a Single Member Individual Local Assessment Review Board.

- 5.2 The ~~Designated Officer~~ **Clerk** may select any member to sit on a panel and shall designate the Chairperson for each panel, provided however that:
- a. the provincial member must be the Chairperson of a panel sitting as the Composite Assessment Review Board; and
 - b. the provincial member must be the sole member of a panel sitting as a Single Member Composite Assessment Review Board;
 - c. where possible, the ~~Designated Officer~~ **Clerk** shall include on a three-person panel a member who is from the municipality under whose jurisdiction the complaint arises.

6. Chairperson

- 6.1 The Chairperson of a panel:
- a. will preside over and be responsible for the conduct of meetings;
 - b. may limit a submission if it is determined to be repetitious or in any manner inappropriate; and
 - c. will vote on matters submitted to the panel unless otherwise disqualified.

7. Jurisdiction of the Board

- 7.1 The Board shall have jurisdiction to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by taxpayers of a Regional Member Municipality.

8. ~~Clerk(s) Designated Officer(s)~~ of the Board

- 8.1 The ~~Clerk(s) Designated Officer(s)~~ of the Board shall be a person designated by the Oldman River Regional Services Commission's **Chief Administrative Officer** ~~Director~~.
- 8.2 The **Clerk** ~~Designated Officer~~ shall:
- a. ~~shall~~ assist the Board in fulfilling its mandate; and
 - b. prescribe the remuneration and expenses payable to each member of the Assessment Review Board.

9. Meetings

- 9.1 Meetings will be held at such time and place as determined by the Board.
- 9.2 The proceedings and deliberations of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the Freedom of Information and Protection of Privacy Act.

10. Quorum and Voting

- 10.1 The quorum for panels of the Board shall be as established by the MGA, namely:
- a. two members of a panel acting as a local assessment review board; and
 - b. one member and the provincial member of a panel acting as a composite assessment review board.
- 10.2 All members must vote on all matters before the Board unless a pecuniary interest or a conflict of interest is declared.
- 10.3 The majority vote of those Members present and voting constitutes the decision of the Board.
- 10.4 Where a member of a panel absents himself or herself from the proceedings due to a conflict of interest or a pecuniary interest, the ~~Clerk Designated Officer~~ shall appoint a replacement member of the panel.

11. Conflict of Interest

- 11.1 Where a member of the Board is of the opinion that he or she has a conflict of interest in respect of a matter before the Board, the member may absent himself or herself from Board proceedings while that matter is being discussed, provided that prior to leaving the meeting, the member:
- a. declares that he or she has a conflict of interest; and
 - b. describes in general terms the nature of the conflict of interest.
- 11.2 The ~~Clerk Designated Officer~~ shall cause a record to be made in the Minutes of the members' absence and the reasons for it.
- 11.3 For the purposes of this provision, a member has a conflict of interest in a respect of a matter before the Board when he or she is of the opinion that:
- a. he or she has a personal interest in the matter which would conflict with his or her obligation as a member to fairly consider the issue; or
 - b. substantial doubt as to the ethical integrity of the member would be raised in the minds of a reasonable observer, if that member were to participate in the consideration of that matter.

12. Pecuniary Interest

- 12.1 The pecuniary interest provisions of the MGA apply to all members of the Board while attending meetings of the Board, as though they were councillors attending meetings of council.
- 12.2 A Board member who fails to declare a pecuniary interest in a matter before the Board, or fails to absent himself or herself from proceedings dealing with such a matter, ceases to be a member of the Board.

13. Commencement of Appeals

- 13.1 An assessed person or a taxpayer may commence an assessment complaint by:
- a. mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the ‘*Matters Relating to Assessment Complaints*’ regulation and within the time specified in the MGA; and
 - b. paying the applicable fee.

14. Rules of Order

- 14.1 The Board shall make its own procedural rules, having due regard for the principles of procedural fairness.

15. Adjournments

- 15.1 The Board may in its discretion grant adjournments of a hearing for such purposes as it feels necessary to ensure proper consideration of the issues before it, including:
- a. allowing the Board to obtain a legal opinion or other professional guidance; or
 - b. to allow a viewing by the Board of the site in respect of which the appeal is being made.
- 15.2 Where the parties to an appeal consent to an adjournment of the hearing, such adjournment may be granted by the Chairperson after consultation with the Members individually (whether in person, by telephone or by e-mail) without the need to convene a formal meeting. In such a case, the Board is deemed to have convened and the hearing is deemed to have commenced as of the date of such consultation.

16. Notice of Decisions & Record of Hearing

- 16.1 After the hearing of a complaint, the ~~Clerk Designated Officer~~ shall:
- a. under direction of the Chairperson, prepare Minutes of the hearing, the decision or order of the Board and the reasons for the decision in compliance with the MGA; and
 - b. arrange for the order or decision of the Board to be signed and distributed in accordance with the requirements under the MGA.
- 16.2 The ~~Clerk Designated Officer~~ will maintain a record of the hearing.

17. Delegation of Authority

- 17.1 In accordance with its authority under MGA section 203(1) to delegate power, Council hereby delegates:
- a. its authority under the MGA to prescribe an appeal fee schedule and the remuneration and expenses payable to each member of the Regional Assessment Review Board and to the ~~Clerk Designated Officer~~ who will follow the Oldman River Regional Services Commission policy.

18. Reimbursement of Costs

18.1 The Oldman River Regional Services Commission shall pay for the administrative costs associated with the operation of the Regional Assessment Review Board. Recovery of costs from Regional Member Municipalities will be as set out in the agreements established.

Read a First Time this ____ day of _____, 2021.

Read a Second Time this ____ day of _____, 2021.

Read a Third and Final Time this ____ day of _____, 2021.

Mayor / Reeve

Municipal Clerk

Schedule “C” Responsibilities

AC = Assistant Clerk from Member Municipality

A = Assessor from Member Municipality

C = Clerk for Regional Board (ORRSC or as designated by **Chief Administrative Officer**)

	Receipt of Appeal
AC	<ul style="list-style-type: none"> • Collect fee
AC	<ul style="list-style-type: none"> • Review appeal for validity/compliance with legislation
AC	<ul style="list-style-type: none"> • Open file and send to Assessor & Clerk

	Initial Stages
A/AC	<ul style="list-style-type: none"> • Preliminary discussions and disclosure of information occurs between Complainant and Assessor
A/AC	<ul style="list-style-type: none"> • Assessor advises Assistant Clerk if matter is resolved or proceeding to appeal
AC	<ul style="list-style-type: none"> • If resolved, Assistant Clerk advises Clerk and administers withdraw in accordance with local practice (refund fee MGA Sec, 481(2))
AC	<ul style="list-style-type: none"> • If proceeding, Assistant Clerk advises Clerk and forwards copy of all appeal documents
AC	<ul style="list-style-type: none"> • Assistant Clerk advises Regional Clerk of hearing location preference

	Confirmation of Receipt of Appeal
C	<ul style="list-style-type: none"> • Review appeal for appeal type/validity/compliance with legislation
C	<ul style="list-style-type: none"> • Determine if issue exists for merit hearing

	Assignment of Resources
C	<ul style="list-style-type: none"> • Open file/identify all parties involved
C	<ul style="list-style-type: none"> • Assign administrative support and Board members
C	<ul style="list-style-type: none"> • Establish hearing date, schedule facility, Board members

	Send Notice of Hearing to Complainant
C	<ul style="list-style-type: none"> • Copies to Assistant Clerk, Assessor and Minister (if CARB)
C	<ul style="list-style-type: none"> • Copies if necessary to property owner, agent, lessee, etc...

	Disclosure
AC/A	• Complainant provides first disclosure to Assistant Clerk and Assessor
AC	• Assistant Clerk date stamps submission and forwards a copy to Clerk
A	• Assessor submits response to Assistant Clerk and Complainant
AC	• Assistant Clerk date stamps Assessor's submission and forwards a copy to Clerk
AC	• Complainant provides rebuttal to Assistant Clerk and Assessor
AC	• Assistant Clerk date stamps submission and forwards a copy to Clerk

	Agenda
C	• Clerk verifies all disclosures
C	• Clerk verifies attendance of all parties
C	• Clerk produces agenda packages and provides copies at the hearing for members and public
C	• Clerk liaises with Board and provides all material necessary – including legislation
C	• Clerk prepares templates for minutes and decisions of Board

	Appeal Hearing
C	• Clerk attends hearing and produces minutes that identify all issues presented to Board
C	• Clerk attends deliberations and produces a decision from the Board that identifies all issues, arguments, reasons for the decision (including both conforming and dissenting reasons)

	Send Notice to Complainant
C	• Copies to Assistant Clerk, Assessor and Minister (if CARB)
C	• Copies if necessary to property owner, agent, lessee, etc...

	Reporting
C	• Clerk provides Assistant Clerk with a reporting package of the appeal which includes:
C	– Invoice for services in accordance with agreement
C	– Copy of hearing minutes
C	– Statistics (where necessary)
C	– Feedback form to establish best practices and service standards for quality control
C	– Clerk compiles and retains a record of the hearing in accordance with legislation and regulations

Schedule "D" Fees

Regional Assessment Board Fee

Annual Fee = \$500, payable to Oldman River Regional Services Commission.

Remuneration

Board Members and Clerk shall receive honorariums for adjudicating at formally scheduled Hearings or taking appropriate training. Honorariums shall be awarded on the following basis:

MERIT Half day – Four (4) hour block \$100.00

MERIT Full day – Four plus (4+) hour block, excluding lunch hour \$200.00

LARB Half day – Four (4) hour block \$100.00

LARB Full day – Four plus (4+) hour block, excluding lunch hour \$200.00

CARB Half day – Four (4) hour block \$200.00

CARB Full day – Four plus (4+) hour block, excluding lunch hour \$400.00

Board Members and the ~~Clerk Designated Officer~~ shall receive compensation for travel based on the most current published Alberta Government Public Service Subsistence, Travel and Moving Expenses regulation for performing adjudication duties or taking appropriate training.

Board Members and the ~~Clerk Designated Officer~~ shall receive reimbursement for meals incurred while performing adjudication duties or taking appropriate training. A reasonable meal allowance will be offered and will most often be authorized and organized by the ~~Clerk Designated Officer~~.

Guidance to limitations can be derived from the most current published Alberta Government Public Service Subsistence, Travel and Moving Expenses regulation.

Board Members and the ~~Clerk Designated Officer~~ shall receive reimbursement for any lodging accommodations required while performing adjudication duties or taking appropriate training.

Provincial Members shall receive reimbursement for all expenses incurred and at the rates prescribed by the Province.

Category of Complaint Fee

Filing fees are determined and collected by Member Municipalities through either a Fees Bylaw or Fee Policy.

In response to recent provincial legislation, the affected Municipality will refund assessment complaint fees when the board or (on appeal) the Court of Queen's Bench decides in favour of the complainant. The fee will also be refunded if a complaint is withdrawn because agreement was reached with an assessor to correct the matter under complaint.

Requesting an appeal fee is at the discretion of municipality. Schedule 2 of *Matters Relating to Assessment Complaint Regulation, 2018*, Complaint Fee indicates: ~~The following fees are suggested, but are NOT mandatory:~~

	Complaint Fee
Residential 3 or fewer dwellings and farmland	Up to \$ 50
Residential 4 or more dwellings	Up to \$650
Non-residential	Up to \$650
Business tax	Up to \$ 50
Tax notices (other than business tax)	Up to \$ 30
Linear property — power generation	Flat fee \$650 per facility
Linear property — other	Flat fee \$ 50 per DIPAUID *
Designated industrial property — major plant or facility	Flat fee \$650 per major plant or facility
Designated industrial property – other	Flat fee \$50 per DIPAUID *
Equalized assessment	Flat fee \$650

* Designated Industrial Property Assessment Unit Identification



Town of Pincher Creek
COUNCIL DISTRIBUTION LIST
November 8, 2021

<u>Item No.</u>	<u>Date</u>	<u>Received From</u>	<u>Information</u>
1.	October 21, 2021	Alberta Health Services	The Oldman River Health Advisory Council Invites you to register to attend a discussion on improving health care
2.	October 21, 2021	V3 Companies of Canada Ltd.	Councillor Planning Training Session
3.	October 22, 2021	Electricity Transformation Canada	Preview the 1st ETC Educational Session Now!
4.	October 22, 2021	Pieridae Energy, Waterton Complex	Waterton Advisory Group Quarterly Email Update - Quarter 3 (July - September) 2021
5.	October 26, 2021	Fortis Alberta	Between the Lines - Update for Government and Stakeholders
6.	October 26, 2021	Prasad Panda, Minister	Infrastructure Accountability Act and 20-Year Strategic Capital Plan Engagement – Act Introduction and What We Heard
7.	October 27, 2021	ORRSC Administration	Signed Minutes of ORRSC Meetings
8.	October 27, 2021	Ric McIver, Minister	2022 and 2023 MSI Allocation Estimates
9.	October 28, 2021	Highway 3 Twinning Development Association	2022 Support for Highway 3 Twinning Development Association
10.	October 29, 2021	Wind Systems magazine	Wind energy industry news on social media – Wind Systems October 2021
11.	November 1, 2021	Waterton Biosphere Reserve	Cooperation Plan 2022-2026
12.	November 3, 2021	Office of the Minister, Jobs, Economy and Innovation	Funding for Rural Municipalities
13.	October 25, 2021	Stormy Lake Consulting	Public Workshop on SW Alberta emerging economies
14.	November 3, 2021	Regional Economic Development Specialist	Rural Engagement Session - thank you!