



REGULAR MEETING OF COUNCIL
Held on Monday November 8, 2021
Virtually, commencing at 6:00 p.m.

IN ATTENDANCE:

Mayor: D. Anderberg

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

Absent with Regrets: W. Elliott

Staff: L. Wilgosh, Chief Administrative Officer; W. Catonio, Director of Finance and Human Resources; L. Rideout, Director of Community Services; M. Everts, Events, Marketing & Economic Development Officer and L. Goss, Administrative Manager

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:00 pm.

2. SCHEDULED PUBLIC HEARING

3. AGENDA APPROVAL

NODGE:

That Council for the Town of Pincher Creek agree to add 11.4 Lost Things Distillery Development Update to the November 8, 2021 regular meeting of Council.

CARRIED 21-417

WRIGHT:

That Council for the Town of Pincher Creek approves the November 8, 2021 agenda as amended.

CARRIED 21-418

4. DELEGATIONS

4.1 Pincher Creek & District Library Board – Introduction, Future Plans, Request for Support – Janice Day, Michael Barkwith and Sandra Baker

Janice Day, Michael Barkwith and Sandra Baker attended the meeting to introduce the Pincher Creek & District Library Board members to Council, present future plans for the Library and request support.

4.2 Lease Agreement – John Van Driesten

John Van Driesten attended the meeting to provide information to Council regarding the land lease from the Town of Pincher Creek.

Mayor Don Anderberg declared a potential conflict of interest with items 4.3 and 4.4 on the agenda as the presenter and neighboring landowner are immediate family and left the meeting at 6:31 pm.

Deputy Mayor Mark Barber chaired the meeting during this time.

Mayor Don Anderberg returned to the meeting at 6:52 pm.

4.3 Superform Development on Pronghorn Avenue – Megan Metheral
Megan Metheral attended the meeting to express concern with the Superform Development on Pronghorn Avenue.

4.4 Sage Early Learning Centre Operation – Megan Metheral
Megan Metheral attended the meeting to express concerns regarding the operation of the Sage Early Learning Centre. This item will be postponed until the next regular meeting of Council.

5. ADOPTION OF MINUTES

5.1 Minutes of the Organizational Meeting of Council held on October 25, 2021

GREEN:

That Council for the Town of Pincher Creek approve the minutes of the Organizational Meeting of Council held on October 25, 2021 as presented.

CARRIED 21-419

5.2 Minutes of the Regular Meeting of Council held on October 25, 2021

OLIVER:

That Council for the Town of Pincher Creek approve the minutes of the Regular Meeting of Council held on October 25, 2021 as presented.

CARRIED 21-420

5.3 Minutes of the Committee of the Whole meeting held on November 3, 2021

BARBER:

That Council for the Town of Pincher Creek approve the minutes of the Committee of the Whole Meeting held on November 3, 2021 as presented.

CARRIED 21-421

6. BUSINESS ARISING FROM THE MINUTES

7. BYLAWS

7.1 Regional Assessment Review Board Bylaw 1633-21

NODGE:

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

CARRIED 21-422

GREEN:

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

CARRIED 21-423

OLIVER:

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.

CARRIED UNANIMOUSLY 21-424

BARBER:

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.

CARRIED 21-425

7.2 Council Procedural Bylaw 1596-21

NODGE:

That Council for the Town of Pincher Creek accept the information regarding Council Procedural Bylaw 1596-21 as presented.

CARRIED 21-426

8. NEW BUSINESS

8.1 Agreement for Regional Assessment Review Services

OLIVER:

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

CARRIED 21-427

9. REPORTS

9.1 Upcoming Committee Meetings and Events

AUMA Convention
Special Council
Budget and Finance Committee
Pincher Creek Foundation Board

10. ADMINISTRATION

10.1 Council Information Distribution List

BARBER:

That Council for the Town of Pincher Creek accept the November 8, 2021 Council Information Distribution List as information.

CARRIED 21-428

Mayor Anderberg called a recess at 7:21 pm.

Mayor Anderberg called the meeting back to order at 7:25 pm.

11. CLOSED MEETING DISCUSSION

BARBER:

That Council for the Town of Pincher Creek agree to move to a closed session of Council on Monday, November 8, 2021 at 7:26 pm in accordance with section 16, 19 & 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, Events, Marketing & Economic Development Officer and Administrative Manager in attendance.

CARRIED 21-429

NODGE:

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, November 8, 2021 at 8:12 pm.

CARRIED 21-430

11.1 Lease Agreement – Sec 5-7-29-W4 and Plan 8511150, Block 1, Lot 1 – FOIP s. 16 & 24

OLIVER:

That Council for the Town of Pincher Creek direct administration to extend the lease agreement for Parcel 1 (Sec 5-7-29-W4 approximately 439.5 acres) and Parcel 2 (Plan Pincher Creek 8511150, Block 1, Lot 1 approximately 112.5 acres) between the Town of Pincher Creek and Macleod View Dairy (1994) Ltd. for the purpose of growing agricultural crops to a ten (10) year term with an expiry date December 31, 2029 and that the tenant provide annual soil samples and test results to be provided to the Town.

CARRIED 21-431

11.4 Lost Things Distillery Development Update – FOIP s. 16 & 24

NODGE:

That Council for the Town of Pincher Creek receive the information regarding the Lost Things Distillery Development Update as presented.

CARRIED 21-432

Mayor Don Anderberg declared a potential conflict of interest with items 11.2 and 11.3 on the agenda as the neighboring landowner and potential committee appointee are immediate family and left the meeting at 8:19 pm.

Deputy Mayor Mark Barber chaired the meeting during this time.

WRIGHT:

That Council for the Town of Pincher Creek agree to move to a closed session of Council on Monday, November 8, 2021 at 8:20 pm in accordance with section 16, 19 & 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, Events, Marketing & Economic Development Officer and Administrative Manager in attendance.

CARRIED 21-433

Oldman River Regional Services Commission Senior Planner, Mike Burla, joined the meeting at 8:22 pm.

M. Everts left the meeting 9:12 pm.

GREEN:

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, November 8, 2021 at 9:44 pm.

CARRIED 21-434



11.2 Superform Development Process – FOIP s. 16 & 24

OLIVER:

That Council for the Town of Pincher Creek receive the update and background information related to the development application 21-D0028 and appeal process decision for the Superform Products Ltd development as information and direct administration to request that the environmental assessment be provided to the Town of Pincher Creek

CARRIED 21-435

11.3 Municipal Development and Subdivision Authority (MDSA) - Appointment – FOIP s. 19 & 24

GREEN:

That Council for the Town of Pincher Creek direct administration to advertise for receiving applications to be appointed to the Municipal Development and Subdivision Authority and bring back the information for Council consideration.

CARRIED 21-436

12. NOTICE OF MOTION

13. ADJOURNMENT

WRIGHT:

That this meeting of Council on November 8, 2021 be hereby adjourned at 9:46 pm.

CARRIED 21-437



MAYOR, D. Anderberg



CAO, L. Wilgosh

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 22nd DAY OF NOVEMBER 2021 S E A L
NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY NOVEMBER 22,
2021 AT 6:00 P.M.**

Schedule "B"

"MUNICIPALITY" BYLAW NUMBER 1633-21

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 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 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 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 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 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) of the Board

- 8.1 The Clerk(s) of the Board shall be a person designated by the Oldman River Regional Services Commission's Chief Administrative Officer.
- 8.2 The Clerk shall:
- a. 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 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 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 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 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 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 8th day of November, 2021.


Read a Second Time this 8th day of November, 2021.

Read a Third and Final Time this 8th day of November, 2021.

Mayor / Reeve



Chief Administrative Officer



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	<ul style="list-style-type: none"> • Complainant provides first disclosure to Assistant Clerk and Assessor
AC	<ul style="list-style-type: none"> • Assistant Clerk date stamps submission and forwards a copy to Clerk
A	<ul style="list-style-type: none"> • Assessor submits response to Assistant Clerk and Complainant
AC	<ul style="list-style-type: none"> • Assistant Clerk date stamps Assessor's submission and forwards a copy to Clerk
AC	<ul style="list-style-type: none"> • Complainant provides rebuttal to Assistant Clerk and Assessor
AC	<ul style="list-style-type: none"> • Assistant Clerk date stamps submission and forwards a copy to Clerk

	Agenda
C	<ul style="list-style-type: none"> • Clerk verifies all disclosures
C	<ul style="list-style-type: none"> • Clerk verifies attendance of all parties
C	<ul style="list-style-type: none"> • Clerk produces agenda packages and provides copies at the hearing for members and public
C	<ul style="list-style-type: none"> • Clerk liaises with Board and provides all material necessary – including legislation
C	<ul style="list-style-type: none"> • Clerk prepares templates for minutes and decisions of Board

	Appeal Hearing
C	<ul style="list-style-type: none"> • Clerk attends hearing and produces minutes that identify all issues presented to Board
C	<ul style="list-style-type: none"> • 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	<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...

	Reporting
C	<ul style="list-style-type: none"> • Clerk provides Assistant Clerk with a reporting package of the appeal which includes:
C	<ul style="list-style-type: none"> – Invoice for services in accordance with agreement
C	<ul style="list-style-type: none"> – Copy of hearing minutes
C	<ul style="list-style-type: none"> – Statistics (where necessary)
C	<ul style="list-style-type: none"> – Feedback form to establish best practices and service standards for quality control
C	<ul style="list-style-type: none"> – 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 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 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.

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 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:

	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