Agenda – Council – July 19, 2017

Report – Executive Policy Committee – July 5, 2017

Item No. 3 Board of Revision – Practices and Procedures Manual

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2017, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the implementation of the Board of Revision – Practices and Procedures Manual (Attachment "A") be approved.

2. That a review of the Practices and Procedures Manual be undertaken five years after implementation.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Council – July 19, 2017

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2017, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

Title: Board of Revision - Practices and Procedures Manual

Critical Path: Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
V. Hutter	R. Kachur	N/A	D. McNeil

EXECUTIVE SUMMARY

Currently, no practices and processes manual for the Board of Revision (BOR) exists. Procedures evolved but were under the direction and implementation of the BOR Chair.

With the implementation of the Practices and Procedures Manual, citizen members will be expected to adhere to set processes which are open and transparent and provide for responsible decision making. The Introduction of the Oath of Member, Conflict of Interest and Code of Conduct Policy declarations will hold Board of Revision Members accountable and decrease possible conflict situations.

RECOMMENDATIONS

1. That Council approve the implementation of the Board of Revision – Practices and Procedures Manual (Attachment “A”).
2. That a review of the Practices and Procedures Manual be undertaken five years after implementation.
3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The implementation of the Practices and Procedures Manual requires Council's approval as outlined in Section 36(2) of ***The Municipal Assessment Act***.

The Board of Revision falls under Part 8, Revision and Appeal, of ***The Municipal Assessment Act. Section 36(2) of MAA states, Rules of practice:***

> **"A board may determine the rules of practice and procedure to govern the conduct of business before the board or a panel of the board, but the rules do not come into force until approved by the council of the municipality."**

IMPLICATIONS OF THE RECOMMENDATIONS

The BOR follows the 2 year assessment cycle. It is essential that hearings are completed in a open and fair manner, within set timelines. The BOR received 4,893 applications for review pertaining to the 2016 Realty Assessment Appeal period, with a value of $16,665,261,622. 638 applications for review were received pertaining to the 2017 Realty Assessment Appeal period; which held a value of $1,883,046,842.

This manual will provide a guideline to the practices and procedures that are to be observed by all parties attending Board of Revision hearings.

HISTORY / DISCUSSION

Since the creation of BOR, the practices and procedures have evolved over time, but there has never been a practices and procedures manual. The Board of Revision's citizen members, current and future, will be guided by the proposed practices and procedures manual and Board decisions will be made openly and transparently.

The BOR hearings are public processes and all information submitted and related to the hearings are public information. The proposed practices and procedures embrace the City's Open Government principles of open, transparent and responsible decision-making.

As a result, portions of the scheduled hearings will be live-streamed via the City's website. Videos will be recorded and maintained on the City's Decision Making Information System (DMIS) at http://clkapps.winnipeg.ca/DMIS/. Agendas and decisions for the applications for review will be made available on DMIS, allowing for public access, openness and transparency. The move to paperless hearings will reduce paper usage and reduce storage requirements for paper-based files. This will also allow for an easier flow of information between the applicants and decision-makers. Computer access will be provided to BOR members, removing the need for paper files at the hearings.

On October 5, 2016, the BOR hosted an Agent consultation session to discuss concerns about the live streaming of hearings, the flow and access of information as it pertains to the hearings, along with the how decisions will be rendered. The Board of Revision accessed outside Legal Counsel and consulted with the City's FIPPA coordinator. A "descriptive" order, which provides explanation, will be implemented in the near future. Numerous information meetings also occurred with the Assessment and Taxation Department with respect to the Practices and Procedure to be implemented.

In keeping with the City's Open Government principles, this manual will focus on:

- Conflict of interest
- General process
- Hearing procedure
- Introduction to Live-streaming
- Paperless Hearings
- Duties and responsibilities of Members and applicable Stakeholders

Training Sessions will be conducted by the Chair and/or Deputy Chair of the Board of Revision, along with the Appeals Manager for newly appointed Members. Furthermore, additional training sessions for Members will be conducted throughout the year as required.

FINANCIAL IMPACT

Financial Impact Statement signed by Departmental Controller

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by

Department Controller

CONSULTATION

In preparing this Report there was consultation with:

External Legal Counsel
Board of Revision Members
Assessment Agents
The City's FIPPA Coordinator
Assessment and Taxation Department

OURWINNIPEG POLICY ALIGNMENT

N/A

SUBMITTED BY

Department: City Clerk's Department
Division: Board of Revision
Prepared by: V. Hutter, Appeals Manager
Date: April 27, 2017

ATTACHMENT "A": Board of Revision – Practices and Procedures Manual



Board of Revision - Practices and Proced