

VILLAGE OF RYLEY
Committee of the Whole Meeting Video Conference, 21 April 2020 @ 6:45 p.m.
for the CONTINUATION of the APPEAL HEARING for the BUSINESS TAX REBATE 2019
Meeting ID: 405 865 3108 #
<https://zoom.us/j/4058653108> or Telephone (647) 374-4685

COUNCIL members present

Mayor	Terry Magnuson	(Video Participant)
Councillor	Cyndy Heslin	(Video Participant)
Councillor	Brian Ducherer	(Video Participant)
Councillor	Nik Lee	(Video Participant)
Councillor	Mathew Kowalski	Absent

ADMINISTRATION present:

CAO	Glen Hamilton-Brown (Video Participant)
Recording Secretary	Jocelyn Gates (Video Participant)

1. CALL TO ORDER:

Mayor Magnuson convened a meeting of the Committee of the Whole at 8:33 p.m. to continue the Hearing for an Appeal to the Business Tax Rebate.

2. ADDITIONS/DELETIONS:

3. APPROVAL OF THE AGENDA

2020-04-21#8: MOVED by Cr. Ducherer that Council for the Village of Ryley approve the agenda as presented

Seconded by Cr. Heslin

CARRIED

4. MINUTES OF PREVIOUS MEETING:

2020-04-21#9: MOVED by Cr. Ducherer that Committee for the Village of Ryley adopt the March 17, 2020 Committee of the Whole Meeting minutes as presented

Seconded by Cr. Magnuson

CARRIED

5. DELEGATIONS: NONE



6. BUSINESS FROM THE MINUTES:

6.1 Business Tax Rebate Appeal Hearing:

Point of Order was raised by Cr. Heslin to clarify that Cr. Lee recused himself at the previous meeting and that he must fully participate in tonight's meeting. Specifically, that a councilor can abstain from a vote but cannot abstain or recuse oneself from a process. Cr. Lee responded to council.

Chair Magnuson declared the Point of Order as

WELL TAKEN

 Mayor	 CAO
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2020-04-21#10: MOVED by Cr. Ducherer that Committee for the Village of Ryley accept that all the criteria (13 items that follow) has been identified and must be met as per item 5 of the Procedure Aide.

SER STATEMENT

8 Yearly, an application form is sent to the business within the C1 and C2 districts

9 ...that have a "store front" operation.

11 Yearly, business are permitted, once their taxes are paid, to apply for the Village of Ryley Tax Rebate Program using the form provided.

12 Business that are not assessed for the purposes of taxation as exempt or non-profit are eligible.

22 "Store front" is a business that permits customers to enter the premises and do business.

35 The Village of Ryley has developed a Business Tax Rebate program to support operational business in the community and to assist in offsetting the non-residential municipal portion of their property taxes.

37 Business in the boundaries of the Village of Ryley that pay commercial taxes...

38 ... and operate out of a C1 or C2 district.

39 Businesses that have a "store front" operation...

40 ... permitting customers to enter their establishment.

41 Businesses that are not assessed for the purposes of taxation as exempt or non-profit.

42 Businesses that if they do not own the premises that they operate out of can show that taxes are paid through triple net or some other type of agreement.

44 Business are only eligible once full payment of that year's taxes are received by the Village.

Seconded Cr. Heslin

Cr. Lee requested a recorded vote

In Favor: Cr. Heslin, Cr. Ducherer, Mayor Magnuson

Opposed: Cr. Lee



CARRIED

Item 6 of the Procedure Aide: no questions needed to be answered

Item 7 of the Procedure Aide: there were no questions from Committee

Item 8 of the Procedure Aide: All questions from the Appellant were answered.

The Chair asked if anyone had further questions or concerns. Receiving no further input, Committee proceeded to Item 9 of the Procedure Aide.

 Mayor	 CAO
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Item 9: Determine whether the Appellant meets the criteria.

2020-04-21#11: MOVED by Cr. Ducherer that Committee for the Village of Ryley determines that For Lands Sake does not meet all items of the criteria as expressed in item 5, in particular, a store front operation.

Seconded by Cr. Heslin

Cr. Lee requested a recorded vote

In Favor: Cr. Ducherer, Mayor Magneson

Opposed: Cr. Heslin, Cr. Lee

DEFEATED

Item 10: Determine the recommendation to Council

2020-04-21#12: MOVED by Cr. Ducherer that Committee for the Village of Ryley recommends to Council that For Lands Sake be paid for the 2019 Business Tax Rebate program.

Seconded by Cr. Heslin

Cr. Lee requested a recorded vote

In Favor: Cr. Ducherer, Cr. Heslin, Cr. Lee, Mayor Magneson

Opposed: None

CARRIED

Item 11 of the Procedure Aide: Committee will return their decision to Council

7. **NEW BUSINESS**

8. **BYLAWS**

9. **FINANCIAL REPORTS**

10. **CORRESPONDENCE**

11. **REPORTS**

12. **IN CAMERA**

13. **UPCOMING MEETINGS:**

14. **ADJOURNMENT:**

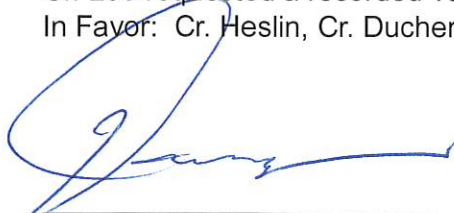
2020-04-21#13: MOVED by Cr. Heslin that Committee for the Village of Ryley adjourn the Committee of the Whole meeting at 11:32 pm and Council reconvene the Regular Council Meeting to receive the recommendation from the public appeal hearing.

Seconded by Cr. Lee

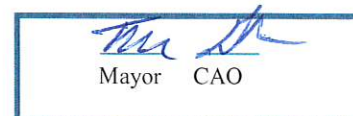
Cr. Lee requested a recorded vote

In Favor: Cr. Heslin, Cr. Ducherer, Mayor Magneson, Cr. Lee

CARRIED



Terry Magneson, Mayor


Glen Hamilton-Brown, CAO

Mayor CAO

Village of Ryley

PROCEDURE AIDE

Meeting: Council
Meeting Date: 21 January 2020
Presented By: Glen Hamilton-Brown
Agenda Item No: 6.1 Business Tax Rebate Appeal

BACKGROUND

Council will suspend the Regular Meeting in order to convene a Committee of the Whole meeting and conduct the Public Appeal Hearing. The Hearing is public by request of the Appellant – Mr. Brian Strilchuk.

PROCESS

1. The Committee convenes the Hearing by resolution and then confirms the Chair.
2. Chair: affirms by question that members are suitable to “Hear this Appeal” and nobody needs to recuse themselves.
3. Chair: Confirms that Procedural Fairness has been met with respect to DISCLOSURE and REPRESENTATION of any and all information that will be used for a decision.
4. All: See & consider the information. (CAO can assist by presenting on-screen)
5. All: Discuss and **determine by motion** the criteria that must be proven to determine an entitlement to a rebate pursuant to Policy 2018-10-16 #5.
 - a. Care is to be taken to avoid discussion of a specific entitlement such as the Appellant.
 - b. This is general entitlement criteria that would apply to any business and could also establish criteria that would determine disqualification (to assist in determining entitlement).
6. All: Discuss and determine any questions that need to be answered.
7. Chair: Ask all questions to receive answers.
8. Chair: Allow the Appellant to ask questions and receive answers.
9. All: Discuss and **determine by motion** whether the Appellant meets the criteria.
 - a. Care should be taken to include how or why the criteria is met.
10. All: Discuss and **determine by motion** the recommendation that Committee will send to Council.
 - a. Circumstances might prevail wherein Committee determines that all or part of the rebate should be awarded even if an entitlement does not exist pursuant to the Policy. However, care must be taken to understand that such award would apply to all businesses subject to the Policy.
11. The Committee adjourns the Hearing by resolution and Council reconvenes to receive the recommendation from Public Appeal Hearing.
12. Council can receive and accept without change, receive and amend, or defer decision **by motion** on the recommendation from Public Appeal Hearing