

IMPORTANT NOTICE

Town of Black Diamond



OFFICE CONSOLIDATION

This document is consolidated into a single publication for the convenience of users. The official Bylaw and all amendments thereto are available from the Legislative Services Manager and should be consulted in interpreting and applying this Bylaw. In case of any dispute, the original Bylaw(s) must be consulted.

For easy reference the amending Bylaw Numbers are listed with a brief description.

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Bylaw 16-06

Procedure Bylaw

Office Consolidation

Office Consolidated Version dated: February 25, 2019

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

A BYLAW OF THE TOWN OF BLACK DIAMOND IN THE PROVINCE OF ALBERTA, CANADA, TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS.

WHEREAS, the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, provides that a Council may pass bylaws in relation to the procedure and conduct of Council, and committees established by Council, and may regulate the conduct of Councillors and members of committees established by Council;

AND WHEREAS, Council has deemed it necessary to regulate the procedure and conduct at meetings of Council and committees established by Council;

AND WHEREAS, Council has deemed it necessary to regulate procedures for receiving and responding to communications and submissions to Council:

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the “Procedure Bylaw”.

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3. DEFINITIONS

- 3.1. “Act” means the Municipal Government Act, R.S.A. 2000 M-26, as amended;
- 3.2. “Administrative Inquiry” is a written request from a Member of Council to the Administration, made at a meeting, for the future provision of information and report;
- 3.3. “Administrative Representative” refers to the senior Administration resource person appointed to a Committee by the C.A.O.;
- 3.4. “Agenda” means the list and order of business items for any meeting of Council, or Committees;
- 3.5. “Bylaw” means a bylaw of the Town;
- 3.6. “C.A.O.” means the Chief Administrative Officer;
- 3.7. “Chairperson” means the Member elected from among the members of a Committee to preside at all meetings of the Committee;
- 19-01 3.7.i. “Closed Session” means a part of the meeting closed to the public at which no resolution or bylaw may be passed, except a resolution to revert to a meeting held in public;
- 3.8. “Committee” means a committee, board, commission, authority, task force or any other public body established by Council pursuant to this bylaw;
- 3.9. “Committee of the Whole” means a committee consisting of all members of Council.
- 3.10. “Council” means the Mayor and Councillors of the Town of Black Diamond;
- 3.11. “Deputy Mayor” means a Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;
- 19-01 3.12. *definition deleted*

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- 3.13.** “*Mayor*” means the Member of Council duly elected as Mayor and continuing to hold office;
- 3.14.** “*Member*” means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council;
- 3.15.** “*Notice of Motion*” is the means by which a Member of Council brings business before Council;
- 3.16.** “*Officer*” means the Chief Administrative Officer, Legislative Services Manager, Finance Manager and Planning & Development Officer;
- 3.17.** “*Point of Information*” means a request or statement directed to the Presiding Officer, or through the Presiding Officer to another Member or to the administration, for or about information relevant to the business at hand, but not related to a Point of Procedure;
- 3.18.** “*Point of Order*” means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of Council’s business;
- 3.19.** “*Point of Privilege*” means all matters affecting the rights and exemptions of Council collectively or the propriety of the conduct of individual Members and includes but is not limited to, the following:
- a) the organization or existence of Council,
 - b) the comfort of Members,
 - c) the conduct of Administration or members of the public in attendance at the meeting, and
 - d) the reputation of Members or Council as a whole;
- 3.20.** “*Point of Procedure*” means a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of Council to assist a Member to:
- a) make an appropriate motion,
 - b) raise a Point of Order,
 - c) understand the procedure, or
 - d) understand the effect of a motion;
- 3.21.** “*Presiding Officer*” means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor, any other Member of Council chosen to preside at the meeting;
- 3.22.** “*Public Hearing*” means a meeting of Council convened to hear matters pursuant to the Act;
- 3.23.** “*Question of Privilege*” means raising of a question which concerns a Member, or Council collectively, when a Member believes that another Member has spoken disrespectfully towards them or Council, or when they believe their comments have been misunderstood or misinterpreted by another Member;
- 3.24.** “*Quorum*” is the majority of all Members, fifty (50) percent plus one (1), unless Council provides otherwise in this Bylaw;
- 3.25.** “*Special Meeting*” means a meeting called by the Mayor pursuant to the Act;
- 3.26.** “*Terms of Reference*” means those terms pertinent to the establishment and mandate of a Committee and which are in addition to or beyond the parameters of this Bylaw.

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3.27. “Town” means the Corporation or the Town of Black Diamond.

4. APPLICATION

4.1. This bylaw applies to:

- a) all Council meetings, and
- b) all Committee meetings, except for:
 - i. when Council has granted permission to the Committee to establish its own procedures, and
 - ii. there shall be no limit to the number of times a member may speak to a question, and
 - iii. where applicable, tasks assigned by this Bylaw to administrative personnel when referencing a Council meeting, shall fall to the Administrative Representative for a Council committee.

4.2. Where this bylaw uses the word “Council” it shall also apply to Committees of Council, unless otherwise specified.

4.3. The precedence of the rules governing the procedure of Council is:

- a) the *Municipal Government Act*;
- b) other provincial legislation;
- c) this bylaw, and;
- d) the current edition of *Robert’s Rules of Order and Parliamentary Procedure*.

4.4. To the extent that a matter is not dealt with in the *Municipal Government Act* or this Bylaw, Council shall have regard to *Robert’s Rules of Order and Parliamentary Procedure*.

4.5. Where this bylaw uses a pronoun or determiner which indicates one gender, it shall include all genders unless the context requires otherwise.

4.6. Subject to the appeal process described in this Bylaw, the Presiding Officer or Chairperson shall interpret procedure.

4.7. In the absence of a statutory obligation, any provision of this Bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all Members present. A motion to temporarily alter or suspend this Bylaw is not debatable or amendable.

5. ORGANIZATIONAL MEETING

5.1. Council shall hold an Organizational Meeting each year, not later than two weeks after the third Monday in October.

5.2. The C.A.O. shall set that time and place for the Organizational Meeting, the business of the meeting being limited to:

- a) the appointments of Members to Committees which Council is entitled to make; and
- b) the appointment of Deputy Mayor for the following year; and
- c) any other business required by the Act, or which Council or the C.A.O. may direct.

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- 5.3. Appointments of Council Members to Committees shall be for a term of one year, unless otherwise specified.

6. INAUGURAL MEETING

- 6.1. The Organizational Meeting immediately following a general municipal election shall be called the Inaugural Meeting.
- 6.2. The Mayor and each Councillor shall take the prescribed Oath of Office as the first order of business at the Inaugural Meeting.
- 6.3. Until the Mayor has taken the Oath of Office, the C.A.O. shall chair the Inaugural Meeting.

7. MEETINGS OF COUNCIL

- 7.1. Regular Meetings of Council shall be held in the Council Chambers unless notice is given in accordance with the Act and this Bylaw that the Regular Meeting will be held elsewhere in the community.
- 16-13, 17-15* 7.2. Regular meetings of Council shall be held on the first and third Wednesday of every month, commencing at 7:00pm and on the fourth Tuesday of each month commencing at 9:00am, unless otherwise advertised by Council, in accordance with the Act and this Bylaw.
- 16-13* 7.3. Regular meetings of Council may be cancelled, by resolution of Council, in accordance with the Act and this Bylaw, including the cancellation of any or all Regular meetings in the months of July and August.
- 7.4. Special Meetings of Council may be called, as required, and notice of such Special Meetings shall be given in accordance with the provisions of the Act and this Bylaw.
- 7.5. A member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.

8. NOTICE OF MEETINGS

- 8.1. For all meetings requiring notice, the notice must be:
- a) issued a minimum of 24 hours prior to the meeting date;
 - b) in writing and specify the time, date, location and purpose of the meeting;
 - c) faxed or emailed to each Council or Committee Member;
 - d) posted at the Municipal Office; and
 - e) given any other notification as requested by Council or the Committee.
- 8.2. Despite Section 8.1, the Mayor may call a Special Meeting of Council, on shorter notice, without giving notice to the public, provided two-thirds (2/3) of the whole Council give written consent to holding the Meeting before the meeting begins.

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9. CANCELLATION OF MEETINGS

- 9.1.** A Regular Meeting may be cancelled:
- a) by a majority of Members at a previously held meeting; or
 - b) with the written consent of a majority, providing twenty-four (24) hours' notice is provided to Members and the public; or
 - c) with the written consent of two-thirds (2/3) of the whole Council if twenty-four (24) hours' notice is not provided to the public.
- 9.2.** A Special Meeting, called under the initiative of the Mayor, may be cancelled:
- a) by the Mayor if twenty-four (24) hours' written notice is provided to all Members and the public; or
 - b) if less than twenty-four (24) hours' notice is provided, the Mayor may cancel with the written consent of two-thirds (2/3) of the Whole Council.
- 9.3.** A Special Meeting, requested in writing by a majority of the Members, may be cancelled:
- a) with the written consent of the requesting Members, if twenty-four (24) hours' notice is provided to the Members and the public; or
 - b) if less than twenty-four (24) hours' notice is provided, with the written consent of two-thirds (2/3) of the whole Council.

10. AGENDA

- 10.1.** The Agenda shall list the items and order of business for the meeting.
- 10.2.** All submissions for the Agenda of all Public Hearings and Regular Council meetings shall be received by the Legislative Services Manager no later than 1:00pm, seven (7) days prior to the meeting.
- 10.3.** The Legislative Services Manager shall prepare the Agenda, together with copies of all reports, supplementary materials and communications to be dealt with at each Council meeting, unless such items must be or may be withheld under the Act or any other statute dealing with access to information.
- 10.4.** Subject to Subsection 10.5 of this Bylaw, only material which has been received in accordance with Subsection 10.2 of this Bylaw shall be considered at the meeting for which the Agenda is prepared.
- 10.5.** If an emergent matter needs to be brought before Council at any meeting, the item shall:
- a) be accompanied by a brief explanation from the person submitting the item justifying both the urgent nature, and the degree of urgency of the item; and
 - b) require the CAO's approval.
- 10.6.** No late submission may be added to an Agenda after the adoption of the Agenda, unless approved unanimously by Council.
- 10.7.** The Legislative Services Manager shall ensure that copies of the Agenda are:
- a) available for Council Members no later than 4:30pm on the fifth (5th) day prior to the day on which the meeting is to be held; and

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- b) available on the Municipal Website no later than 4:30pm on the fifth (5th) day prior to the day on which the meeting is to be held.
 - c) Committees of Council are deemed to be exempt from Section 10.7 unless directed by Council to comply.
- 10.8.** All additions or changes to the Agenda will be provided to the Legislative Services Manager. Any Agenda additions of items with documentation attached will require that the Legislative Services Manager republish the Agenda no later than 2 business days after the meeting, ensuring that the final Agenda, with all Addendum items attached, is made available on the Municipal Website. Items added that bring no documentation to the Agenda will not require a republication of the Agenda.

11. COMMUNICATIONS

- 11.1.** When a person wishes to have a letter or other communication considered by Council, it shall be directed to the Legislative Services Manager, and shall:
 - a) be legible and clearly set out the matter and issue, and any request made of Council;
 - b) be signed by at least one person who provides a printed name and address;
 - c) be on paper or in a printable form; and
 - d) not be libellous, impertinent or improper.
- 11.2.** If the above requirements are met, the Legislative Services Manager must:
 - a) send a copy of the communication or a summary of it to all Council Members and the C.A.O. for information;
 - b) make reasonable efforts to respond to the person sending the communication to advise that person of any action taken on the subject of the communication; and
 - c) if applicable, refer the communication to Administration for a report or a direct response, and inform the Council Members and C.A.O. of the referral; or
 - d) if it relates to an item already on an Agenda, deliver a copy of the communication to Council Members with the Agenda or at the meeting; or
 - e) take any other appropriate action on the communication, including placing it on the Agenda for a Regular Meeting of Council.
- 11.3.** If the requirements are not met, the Legislative Services Manager may file the communication, unless the Legislative Services Manager determines the communication to be libellous, impertinent or improper, in which case the Legislative Services Manager must summarize the communication and inform Council that it is being withheld.

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11.4. Council may:

- a) direct that any communication that has been deemed libellous, impertinent or improper and being withheld, be forwarded to Council;
- b) refer any communication to the Administration or a Committee for report or recommendation;
- c) give other instructions on the communication;
- d) consider motions on the substance of the communication; or
- e) accept the correspondence as information.

12. QUESTION PERIOD

12.1. Members of the public wishing to ask a question of Council shall be permitted to speak during the Question Period portion of the Agenda, after being recognized by the Presiding Officer.

12.2. The subject must be in the form of a question, and the question is to be presented in five (5) minutes or less.

12.3. Question Period shall last for a maximum of 15 minutes, unless extended by a two-thirds (2/3) vote of Council.

12.4. If no person is present who wishes to pose a question to Council at the beginning of the Question Period, the Presiding Officer will close the Question Period at that time and continue to proceed with the meeting Agenda.

19-01 **12.5.** The Presiding Officer may not permit any question being addressed at a meeting of the Council regarding:

- a) any matter that will be the subject of a bylaw requiring a Public Hearing, or for which a Public Hearing has already been held, or
- b) the promotion of commercial products or services which have no connection to the business of the Town, or
- c) any matters subject to non-disclosure in accordance with the Freedom of Information and Protection of Privacy Act or regulations. These may include employment/personnel matters, negotiation matters, land sale/purchase negotiations, legal issues, etc.

12.6. Council Members may ask questions of clarification, which are relevant to the subject question.

12.7. At no time shall a questioner, Council Member, a delegation or Administration enter into a debate during the Question Period of the Agenda.

12.8. If an immediate answer is not available, the questioner shall provide the Legislative Services Manager with their contact information, so that a response may be provided through the C.A.O. or as Council may determine.

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13. DELEGATIONS

- 13.1.** A member of the public may request, in writing, to be included on an Agenda as a Delegation. The request must be submitted in writing and shall:
- a)** include a summary of the information that will be presented to Council;
 - b)** be submitted to the Legislative Services Manager no later than 1:00pm on the seventh (7th) day before the day on which the next Council meeting is being held, with the C.A.O. having discretion to bring forward items submitted late that may be of an emergent nature.
- 13.2.** Delegations to Council shall be limited to a maximum number of three (3) per scheduled meeting, unless the C.A.O. brings forward any items deemed to be of an emergent nature.
- 13.3.** No Delegation shall make a presentation longer than fifteen (15) minutes, exclusive of the time required to answer the questions put forward by Council, unless granted a time extension by the majority of Council. Such extension shall be requested in advance, or at the start of the presentation.
- 13.4.** Delegations are restricted to speaking to the subject matter only. In questioning Delegations, Members of Council will only ask questions of clarification which are relevant to the subject of the hearing and will avoid repetition.
- 13.5.** Decisions of Council regarding any Delegation will be made during the Delegation Decisions portion of the Agenda.

14. ORDER OF BUSINESS

- 14.1.** The normal Order of Business for the Regular Meeting of Council shall be as set out in Schedule "A" except:
- a)** when a previous meeting has been adjourned for lack of a quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with before any items on the current agenda; or
 - b)** when Council alters the Order of Business by a two-thirds (2/3) vote.

15. QUORUM

- 15.1.** When a quorum is present at the time set for commencement of a Council meeting, the Presiding Officer shall call the meeting to Order.
- 15.2.** If there is a quorum present at the time set for commencement of a meeting, but the Mayor and Deputy Mayor are absent, the C.A.O. shall call the meeting to Order and shall call for a Presiding Officer to be chosen by resolution.
- 15.3.** If a quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the C.A.O. shall record the names of all the Members present and Adjourn the meeting.

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- 15.4.** If a Council meeting is adjourned for:
- a)** failure to constitute quorum; or
 - b)** due to loss of quorum as a result of a Member leaving the meeting;
- the Agenda delivered for that Council meeting shall be considered at the next Regular Meeting of Council, unless a Special Meeting is conducted to complete such business.
- 15.5.** If a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
- a)** a declaration of pecuniary interest, or
 - b)** a Council Member not being present for all or part of a Public Hearing;
- then the motion shall be the first order of business to be proceeded with and disposed of at the next meeting of Council under that particular Order of Business.

16. ADJOURNMENT

- 16.1.** A Regular Council meeting shall Adjourn no later than 11:00pm, if in session at that time, except to conclude the matter under discussion, and Council shall Recess and Reconvene at 6:00pm on the next business day unless:
- a)** otherwise directed by Council; or
 - b)** Council, by resolution of a two-thirds (2/3) vote, taken as soon before 11:00pm as the business permits, agree to an extension of the meeting beyond 11:00pm.
- 16.2.** A Member may move a motion to Adjourn a meeting at any time, except when:
- a)** another Member has the floor;
 - b)** a call for a vote has been made;
 - c)** the Members are voting;
 - d)** Council is in a Closed Session; or
 - e)** a previous motion to Adjourn has been defeated and no other intervening proceedings have taken place.
- 16.3.** A motion to Adjourn shall be put without comment or debate.
- 16.4.** When all items of an approved agenda have been dealt with, the Presiding Officer may Adjourn the meeting without requiring a motion or vote by Council.

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17. RECESS

- 17.1.** Any Member may move that Council Recess for a specific period. After the Recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
- 17.2.** A motion to Recess may be amended only as to length of time, but neither the motion, nor the amendment, is debatable.
- 17.3.** If no speaker is addressing Council, the Presiding Officer may call a Recess for a specific period.

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18. CONTROL AND CONDUCT OF COUNCIL MEETINGS

- 18.1.** Council meetings will be held in public and no person may be excluded except for
- a)** improper conduct; or
 - 19-01* **b)** Council may, by resolution, meet in a Closed Session to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.
- 18.2.** No Member shall have or participate in any 2-way electronic communications, either internally or externally during any Council meeting, unless recessed. The use of an electronic device authorized by Council for the purpose of reading electronic documents provided for the Council meeting is permitted.
- 19-01* **18.3.** No Member, Officer or other person participating in a Closed Session shall use any electronic devices, tablets, cell phones, etc. unless required for the purpose of displaying or sharing digital information with those in attendance at the Closed Session. All other devices shall be turned off and placed in full view during the Closed Session, or completely removed from any person's access. No Member, Officer or other attendee shall have any electronic communications, either internally or externally, during a Closed Session.
- 18.4.** Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer shall:
- a)** maintain Order and preserve decorum and may, if necessary, call a Member to order;
 - b)** decide points of order without debate or comment other than to state the relevant section of this Bylaw;
 - c)** determine which Member has a right to speak;
 - d)** ensure that all Members who wish to speak on a motion have spoken and that the Members are ready to vote and shall call the vote; and
 - e)** rule when a motion is out of order.
- 18.5.** When the Presiding Officer wishes to debate or make a motion, he shall vacate the Chair and request another Member to take the Chair, in the following order:
- a)** Deputy Mayor;
 - b)** any other Member of Council.
- If no other Member of Council is willing to accept the Chair, the Presiding Officer will continue as Chair, however, will be allowed to make a motion and/or debate under the same rights and restrictions as other Members.
- 18.6.** A person who is not a Member or an Officer shall not address Council unless they first obtain permission from the Presiding Officer.
- 18.7.** Members of the public gallery during a Council meeting:
- a)** shall not address Council without permission;
 - b)** shall maintain order and quiet; and
 - c)** shall not applaud or otherwise interrupt any speech or action of the Members, or any other person addressing Council.

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- 18.8.** The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.
- 18.9.** When a Member or Officer wishes to speak at a Council meeting, they shall obtain the approval of the Presiding Officer before doing so.
- 18.10.** When a Member or Officer is addressing the Presiding Officer every other Member shall:
- a)** remain quiet and seated;
 - b)** not interrupt the speaker except on a Point of Order, Point of Procedure or Question of Privilege; and
 - c)** not carry on a private conversation.
- 18.11.** When a Member is addressing the Council, the Member shall:
- a)** not speak disrespectfully of others;
 - b)** not shout, raise his voice or use offensive language;
 - c)** not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion;
 - d)** assume personal responsibility for any statement quoted to Council or upon request of Council, shall give the source of the information.
- 18.12.** When a Member wishes to leave the Council Chambers while a Meeting of Council is in progress, he shall request and await the Presiding Officer's permission before leaving.
- 18.13.** No Member shall, subject to the Act, leave the Council Chamber after a question is put to a vote, until the vote is taken.

19. POINT OF INFORMATION, ORDER, PROCEDURE AND QUESTION OF PRIVILEGE

- 19.1.** When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration by the Presiding Officer.
- 19.2.** When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member of Council, or the Administration.
- 19.3.** When a Question of Privilege arises, the Presiding Officer shall rule upon the admissibility of the question and if the Presiding Officer rules favourably, the Member who raised the Question of Privilege shall be permitted to pursue the question.
- 19.4.** When the Presiding Officer is called upon to decide a Point of Order or to answer a Point of Procedure, the point shall be stated without unnecessary comment, and the Presiding Officer shall state the rule or authority applicable in the case.
- 19.5.** When the Presiding Officer is of the opinion that any motion is contrary to the rules of Council, he shall advise the Members immediately and quote the rule or authority applicable and no argument or comment shall be permitted.
- 19.6.** The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 20 of the Bylaw.

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20. CHALLENGE TO THE RULING OF THE PRESIDING OFFICER

- 20.1. When a Member wishes to challenge the ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" shall be made, and the question shall be put immediately without debate.
- 20.2. The Presiding Officer shall accept the vote of the majority of the Members present, and the names of the Members voting shall be recorded in the Minutes.
- 20.3. If the Presiding Officer refuses to put the question "That the decision of the Presiding Officer be overruled" Council shall request the Deputy Mayor to proceed, in accordance with Section 20.1.
- 20.4. Any resolution carried under the circumstances mentioned in Section 20.3 of this Bylaw, is effectual and binding as if carried under the chairmanship of the Presiding Officer.

21. MOTIONS IN COUNCIL

- 21.1. A Member who wishes to submit a motion in excess of twenty five (25) words shall do so in writing.
- 21.2. After a motion has been moved, and prior to any vote, it is the property of Council and may not be withdrawn without the consent of a majority of Council.
- 21.3. Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:
 - a) a motion for adoption of, refusal of, or further consideration of a report to Council;
 - b) a motion arising out of any matter included in the Agenda;
 - c) a motion for amendment to any Bylaw or any matter arising directly out of any Bylaw properly before Council;
 - d) a motion for second reading of a Bylaw;
 - e) a motion for appointment or dismissal of a committee;
 - f) a motion to go into a Closed Session;
 - g) such other motions made upon routine proceedings as may be required for:
 - i. the observance of the proprieties of Council;
 - ii. the maintenance of the authority of Council;
 - iii. the appointment or conduct of its Officers;
 - iv. the management of its business;
 - v. the arrangement of its proceedings;
 - vi. the correctness of its records, or
 - vii. the setting of Meeting dates or the days and times of its Meetings.
 - h) a motion to postpone.
- 21.4. When a motion has been made and is being considered, no Member may make any other motion, except to:
 - a) amend the motion;

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- b) refer the main motion to some other group for consideration;
 - c) postpone the main motion; or
 - d) recess the meeting.
- 21.5. Except as specifically provided elsewhere in the Bylaw, after a motion has been made, a Member may, with the consent of Council, change the wording of the motion or agree to a change proposed by another Member if the change does not alter the intention of the motion.
- 21.6. The Presiding Officer shall give each Member of Council who wishes to speak on an item, an opportunity to do so before calling the question.

22. MOTIONS CONTAINING DISTINCT PROPOSITIONS

- 22.1. A motion containing several distinct propositions is not out of order for that reason alone.
- 22.2. When a motion contains two or more propositions, and when
 - a) any member requires; or
 - b) the Presiding Officer ordersCouncil shall vote on each proposition separately.

23. MOTIONS OUT OF ORDER

- 23.1. Subject to an appeal in accordance with Section 20, or with Robert's Rules of Order, it is the duty of the Presiding Officer to determine if a motion or amendment is in order and the Presiding Officer may decline to put a motion before Council if it is out of order or contrary to law.
- 23.2. The Presiding Officer shall advise Council and shall cite the applicable rule or authority when determining that a motion is out of order.

24. AMENDMENTS

- 24.1. No amendment shall be made to a motion:
 - a) to refer a question to some other body for consideration; or
 - b) to adjourn a meeting.
- 24.2. While a motion is under discussion by Council, a Member may not move an amendment which:
 - a) does not relate to the subject matter of the main motion; or
 - b) is directly contrary to the main motion.
- 24.3. The Presiding Officer shall allow only one amendment at a time to the main motion and only one amendment to that amendment may be allowed at a time.
- 24.4. The Presiding Officer shall put amendments to a vote in the reverse order to which they have been moved.
- 24.5. When all amendments are voted on, the Presiding Officer shall ask for a vote on the main motion, incorporating any carried amendments.

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

25. DEBATE ON MOTIONS

- 25.1.** No Member of Council shall speak without first being recognized by the Presiding Officer; and being granted the floor.
- 25.2.** No Member may speak to, or ask questions of an agenda item presenter, until a motion is put forward for debate or discussion.
- 25.3.** No Member may speak more than twice on any motion, except under the following circumstances:
- a)** when a Member feels they have been misquoted or misunderstood, they may, after receiving permission from the Presiding Officer, explain a material part of their speech, but may not introduce any new matter and there shall be no debate on the explanation;
 - b)** when a Member has moved the motion, they may close the debate after all other Members have been given an opportunity to speak;
 - c)** before the debate has been closed and the vote called, provided no other Member has the floor, a Member may, request that the motion be read aloud or ask a question which:
 - i.** relates directly to the debate,
 - ii.** contains no argument, and
 - iii.** introduces no new material on the motion.
- 25.4.** Unless Council, by a majority vote, extends the time, no Member shall speak longer than:
- a)** five (5) minutes on any ongoing motion; or
 - b)** three (3) minutes on any amendment; or
 - c)** three (3) minutes for closing debate on an original motion or on an amendment.
- 25.5.** The Presiding Officer may rule any Member of Council out of order for failing to observe any of the above noted restrictions; and any Member of Council so ruled out of order shall immediately cease to speak.
- 25.6.** When a Member has closed debate, the Presiding Officer shall declare the motion and ask for a vote.
- 25.7.** When the motion has been declared, no Member shall debate further on the motion or speak, except to request that the motion be read aloud.
- 25.8.** Recommendations are not motions. A motion must be made on any Agenda item before it is discussed. A recommendation within an Agenda or report does not constitute a motion until a Member has expressly moved it.
- 25.9.** No motion shall be offered on items that are not on the Agenda as adopted. Members wishing to introduce motions at a meeting shall do so by Notice of Motion for a future regular meeting, in accordance with Section 29 of this Bylaw.
- 19-01 25.10.** No motion shall be offered that is the same as one on which the judgement of the meeting has already been expressed during the same meeting.

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26. TABLING, POSTPONING AND REFERRING MOTIONS

- 26.1. Motions to table any matter are not permitted.
- 26.2. A motion to postpone any matter shall include in the motion:
 - a) a specific time to which the matter is postponed; or
 - b) provision that the matter is to be postponed indefinitely.
- 26.3. A motion to postpone a matter is amendable and debatable.
- 26.4. Any matter that has been postponed to a particular date, or indefinitely, shall not be considered by Council before the date set, except on a majority vote of the Members present.
- 26.5. When dealing with subject matters where a Committee has been appointed for that purpose, or an Officer would normally deal with such matters, Council may, without amendment or debate, refer the question to the appropriate body.
- 26.6. A Member who is moving a referral motion shall be required to include in the motion:
 - a) the terms on which the motion is being referred;
 - b) the time when the matter is to be returned; and
 - c) whatever explanation is necessary as to the purpose of the motion.

27. VOTING ON MOTIONS

- 27.1. When this Bylaw requires that a motion be made, a bylaw be passed, or any other action be taken by a vote of:
 - a) a simple majority of Council;
 - b) two-thirds (2/3) of Council or another fraction of Members; or
 - c) all Members,the requirements shall be interpreted as meaning such majority, fraction or total of the Members who are present, provided the Act, or some other relevant statute does not specify differently.
- 27.2. A question or motion shall be declared lost when it:
 - a) does not receive the required number of votes; or
 - b) receives an equal division of votes.
- 27.3. Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Member to abstain, in which case the Member shall cite the legislative authority for abstaining, and the abstention and the reasons shall be recorded in the Minutes.
- 27.4. A member shall not vote on a matter if they are absent from the Council Chambers when a vote is called.
- 27.5. Any Member, prior to the vote being taken, may ask for a recorded vote and the names of those who vote for and those who vote against a motion shall be recorded in the Minutes.
- 27.6. Votes on all motions must be taken as follows:
 - a) the Presiding Officer must declare the motion and call for the vote;
 - b) Members must:

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

- i.** vote by a show of hands or by an electronic or computerized voting system, if available;
 - ii.** vote verbally if participating by a communication facility;
- 27.7.** After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason.
- 27.8.** When this Bylaw or any other bylaw, regulation or other enactment requires a majority greater than a simple majority to pass a motion on any matter, the motion may not be rescinded or amended by less than the majority required.
- 27.9.** It is only necessary for each Member to vote separately on a recorded vote.

28. RECONSIDERING, RESCINDING OR RENEWING A MOTION

- 28.1.** A Councillor who voted with the prevailing side may move to reconsider a motion only at the same meeting or during any continuation of the meeting at which it was decided.
- 28.2.** A motion to reconsider is only debatable when the motion being considered is debatable.
- 28.3.** A motion to rescind a motion which has been passed or to renew a defeated motion may be offered subsequent to the meeting at which the motion was passed or defeated if the rescinding or renewal motion is:
 - a)** made by a Member who voted with the prevailing side;
 - b)** brought more than six (6) months after the date of the original motion; or
 - c)** brought after a Municipal General Election which has taken place since the date of the original motion.
- 28.4.** Notice of Motion to rescind or renew a motion must be given, or dispensed with, pursuant to the provisions of this bylaw.
- 28.5.** No motion to rescind may be made when the question can be reached by reconsidering the motion.

29. NOTICES OF MOTION

- 29.1.** A Member may make a motion introducing any new matter only if:
 - a)** Notice is given at a previous regular Council meeting and a legible copy of the content of the notice is made available to the Legislative Services Manager, or
 - b)** Council, on a two-thirds (2/3) vote, waives the requirement for Notice.
- 29.2.** A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A Notice of Motion must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

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- 29.3.** To be placed on the meeting agenda, the Motion on Notice and any supporting documents must be submitted to the Legislative Services Manager in the format of a Request for Decision (RFD) no later than 1:00pm on seven (7) days preceding the meeting. Motions on Notice will be clearly noted as such on the Request for Decision submitted to the Agenda.
- 29.4.** If a motion is not made at the meeting indicated in the notice, it will appear on the agenda for, and may be made at any of, the next two (2) Regular Meetings. After the third Regular Meeting, it will be removed from the Agenda and may only be made by a new Notice of Motion.

30. BYLAWS

- 30.1.** When a Bylaw is presented to Council for enactment, the Legislative Services Manager shall publish the number and title of the Bylaw in the Agenda.
- 30.2.** The Legislative Services Manager shall copy the Bylaw in full and forward it with the Agenda.
- 30.3.** Every Bylaw shall have three (3) readings. Only the title or identifying number must be read at each reading.
- 30.4.** A Bylaw shall be introduced for first reading by a motion that the Bylaw be read a first time.
- 30.5.** Council shall vote on the motion for first reading of a Bylaw without amendment or debate.
- 30.6.** After first reading, a Member may ask a question concerning the Bylaw.
- 30.7.** A Bylaw shall be introduced for second reading by a motion that it be read a second time.
- 30.8.** After a Member has made a motion for second reading of a Bylaw, Council may:
- a)** debate the substance of the Bylaw; and
 - b)** propose and consider amendments to the Bylaw.
- 30.9.** A Bylaw shall not be given more than two (2) readings at one Meeting unless the Members present unanimously agree that the Bylaw may be presented to Council for third reading.
- 30.10.** When Council unanimously agrees that a Bylaw may be presented for third reading:
- a)** motion for third reading of the Bylaw shall be made;
 - b)** Council shall vote on the motion without amendment or debate;
 - c)** the third reading requires no greater majority or affirmative votes than if it had received third reading at a subsequent Meeting.
- 30.11.** Council shall vote on the motion for third reading of a Bylaw without amendment or debate.
- 30.12.** A Bylaw shall be passed when a majority of the Members voting on third reading vote in favour, provided some other applicable Provincial Statute or Bylaw does not require a greater majority.

**BYLAW 16-06 OFFICE CONSOLIDATION
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- 30.13.** In conformance with the Act:
- a) if a Bylaw does not receive third reading within two (2) years from the date of first reading, the previous readings are deemed to have been rescinded; and
 - b) if a Bylaw is defeated on second or third reading the previous readings are deemed to have been rescinded.
- 30.14.** The Legislative Services Manager is designated to consolidate one (1) or more bylaws as deemed convenient and in doing so, must:
- a) incorporate all amendments to the bylaw into one (1) bylaw; and
 - b) omit a provision that has been repealed or that has expired.

31. URGENT BUSINESS

- 31.1.** Notwithstanding subsection 29.1, a Member may move to discuss a matter of urgent public importance without prior Notice of Motion.
- 31.2.** A motion to bring a matter before Council as urgent business is subject to the following conditions:
- a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
 - b) the matter shall not involve discussion of an item that has been discussed previously in the same meeting;
 - c) the matter shall not be one which should be dealt with by giving written Notice of Motion; and
 - d) the matter shall not raise a Question of Privilege.

32. ADMINISTRATIVE INQUIRIES

- 32.1.** A Member wishing to make an “Administrative Inquiry” at a Regular Meeting shall put the Administrative Inquiry in writing and, prior to the Regular Meeting, submit it to the C.A.O.
- 32.2.** Unless an inquiry specifies that the Member wishes the answer to appear on a subsequent Council Agenda, the C.A.O. may give the answer directly to all of the Members.
- 32.3.** When an inquiry involves a written answer to be given at a future Meeting and it appears to the C.A.O. that the Town would incur a cost of over \$500 by reason of:
- a) the time of Town employees who must be taken from performance of their regular duties or overtime that must be worked;
 - b) the need to hire additional employees, or
 - c) the necessity of obtaining and paying for the information from other than Town employees,
- and no appropriation has been made for such expenditure in the Budget, the C.A.O. shall report the anticipated cost to Council before undertaking such inquiry.

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

- 32.4.** When the C.A.O. has reported the cost of an inquiry, Council may:
- a) direct that the Administration proceed with the investigation necessary to answer the inquiry; and make provision for the payment of the cost; or
 - b) by a two-thirds (2/3) vote direct that Administration abandon the inquiry.
- 32.5.** The subject matter of an inquiry is not debatable until the reply to the inquiry has been made or presented to Council.
- 32.6.** A Member who requested an Administrative Inquiry may, at a Regular Meeting, instruct Administration to abandon the Inquiry.

33. COUNCILLOR REPORTS

- 33.1.** Each Member is to submit a written report of their activities for the previous month.
- a) Councillor Reports are to be submitted to the Legislative Services Manager no later than 1:00pm, seven (7) days prior to the 2nd Regular Meeting in that month.
 - b) any Councillor Report received after the submission deadline will be brought forward to the next Council Meeting containing that Agenda item.
 - c) any action required as a result of a Councillor Report shall be brought forward as a separate business item or Notice of Motion.
- 33.2.** Councillor Reports are published and available on the Town's website within seven (7) days of the Council meeting they are presented at.

34. COMMITTEES

- 34.1.** Council may, by bylaw, establish Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Town.
- 34.2.** The Terms of Reference for Committees, contained within the Committee's establishing Bylaw, may be amended from time to time, as required.
- 34.3.** When establishing a Committee, Council must adopt a Terms of Reference for the Committee that:
- a) names it;
 - b) establishes membership, purpose and authority;
 - c) sets the term or directs that the Committee exists on an ongoing, ad-hoc or task driven basis, at the pleasure of Council; and
 - d) allocates any necessary budget or other resources.
- 34.4.** The Legislative Services Manager will facilitate an annual review and report to Council of all Committees' Terms of Reference prior to the annual Organizational Meeting and committee appointments.
- 34.5.** Council may appoint, by resolution, Councillors, employees, members-at-large, or other members to Committees in accordance with the approved Terms of Reference.

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

- 34.6.** The Mayor shall be an ex-officio member of all Committees to which Council has the right to appoint members, unless otherwise prohibited by statute or bylaw, and, as such member of the Committee shall be counted to determine quorum and has all the rights and privileges of the other Committee members including the right to make motions and vote.
- 34.7.** Committees shall conduct meetings in public in accordance with the Act and within the rules governing the procedures of Council.
- 34.8.** Minutes must be prepared for all Committee meetings and must:
- a) include all decisions and other proceedings;
 - b) include the names of Members present and absent from the meeting;
 - c) include the signatures of the Chair and the Recording Secretary;
 - d) be retained in a safe manner and be available upon request. A final copy of the Minutes must be filed with the Legislative Services Manager within a minimum of three (3) days after being confirmed by the Committee.
- 19-01* **34.9.** When a Committee is of the opinion that a meeting, or a portion of a meeting, should be held in a Closed Session, the motion passed to authorize the Closed Session shall include the reason for holding the Closed Session meeting, and the meeting shall be conducted in accordance with the Act.
- 34.10.** Committee meetings shall be open to all Members of Council, but only those Members specifically appointed to that Committee, or appointed ex-officio are entitled to take part in discussions and debate and vote on any matter before the Committee.
- 34.11.** A Member of a Committee who has a pecuniary interest in a matter before the Committee shall disclose the general nature of the interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.
- 34.12.** Any member absent from three (3) consecutive regular meetings of a Committee, unless such absence is authorized by resolution of the Committee, will automatically forfeit his membership as of the date of the third consecutive meeting absent from. Any member forfeiting his membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.
- 34.13.** No Committee or any member of a Committee has:
- a) power to pledge the credit or course of action of the Town or enter into any agreement on behalf of the Committee or the Town;
 - b) power to authorize any expenditure to be charged against the Town without prior approval by Council; or
 - c) authority to act except as established in the Terms of Reference for the Committee.
- 34.14.** Councillors appointed to a Committee by Council shall be responsible to keep Council informed as to Committee activities.
- 34.15.** A Committee shall report to Council, as required.
- 34.16.** The C.A.O. may appoint an Administrative Representative to each Committee who shall:

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

- a) ensure notice is given in accordance with the Act, and accurate Minutes are kept for all Regular and Special Meetings of the Committee;
- b) provide advice, research, information and additional support staff as required by the Committee; and
- c) not be a member of the Committee and may not vote on any matter.

16-13 **35. COMMITTEE OF THE WHOLE**
Deleted 16-13

36. PUBLIC HEARINGS

- 36.1.** “Adjourn” used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.
- 36.2.** “Close” used in relation to a Public Hearing, means to terminate the Public Hearing.
- 36.3.** At the commencement of a Public Hearing, the Presiding Officer shall:
- a) state the matter to be considered at the hearing;
 - b) ask the C.A.O., Planning & Development Officer or other designated member of Administration if the Public Hearing has been advertised in accordance with the Municipal Government Act;
 - c) ask the Planning & Development Officer or other designated member of Administration to present the item, including description of the area in question, its recent history and any technical matters or concerns, recommendations of the Planning & Development department and any recommendations of the Municipal Planning Commission, if applicable.
 - d) allow the applicant(s), or their designated representative(s) a maximum of twenty (20) minutes to make their presentation, exclusive of the time required to answer questions put to him by Members of Council. Council may, by a majority vote, agree to a specific time extension for the presentation, if requested prior to the beginning of the presentation.
- 36.4.** The Presiding Officer will then receive any late written submissions. Ten (10) copies are required for late submissions – seven (7) for Council, one (1) each for; Planning & Development, the record of the Public Hearing, and the C.A.O.
- 36.5.** Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak in the following order:
- a) the Presiding Officer will call those who have indicated on the sign-in sheet that they wish to speak to the proposed bylaw;
 - b) the Presiding Officer will ask if there is anyone present who wishes to make any general comments regarding the proposed bylaw; and
 - c) the Presiding Officer will allow an opportunity to all persons to respond to any new information that has arisen.
- 36.6.** If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his behalf. The authorization must:
- a) be in legible writing;

**BYLAW 16-06 OFFICE CONSOLIDATION
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- b) name the individual authorized to speak;
 - c) indicate the proposed bylaw to be spoken to; and
 - d) be signed by the person giving the authorization.
- 36.7.** The authorized speaker must state the name of the person that the speaker represents and present the written authorization to the Legislative Services Manager.
- 36.8.** No person representing an individual shall address Council for more than five (5) minutes, exclusive of the time required to answer questions put to him by a Council Member, unless granted a time extension by the majority of Council.
- 36.9.** No person representing a group shall address Council for more than ten (10) minutes, exclusive of the time required to answer questions put to him by a Council Member, unless granted a time extension by the majority of Council.
- 36.10.** The Presiding Officer will then ensure that there are no more written or oral submissions to be presented. When satisfied that all submissions have been made, the late written submissions will be read for the record.
- 36.11.** The Presiding Officer will then ascertain if the Members are satisfied that they have obtained sufficient information.
- 36.12.** The Presiding Officer will then ask the Planning & Development department to make closing comments.
- 36.13.** If there is more than one Public Hearing on the Agenda, the Presiding Officer shall adjourn or close one Public Hearing before opening another Public Hearing.
- 36.14.** If a Public Hearing is adjourned, Council shall not receive any additional submissions from the public in relation to the subject matter, until it has voted on the subject matter of the Public Hearing.

37. GENERAL

- 17-14*
- 37.1.** Members of Council shall subscribe to the Council's adopted Code of Conduct Bylaw.
- 37.2.** That Bylaw 04-08, and any amendments thereto, are hereby rescinded.
- 37.3.** That this Bylaw takes force and effect upon third and final reading and signing thereof.

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

READ A FIRST TIME this 15th day of June A.D. 2016.

READ A SECOND TIME this 15th day of June A.D. 2016.

READ A THIRD AND FINAL TIME this 15th day of June A.D. 2016.

Original Signed

DEPUTY MAYOR

Original signed

LEGISLATIVE SERVICES MANAGER

June 15, 2016

Date signed

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

Schedule "A"

*16-13
19-01*

ORDER OF BUSINESS AT MEETINGS

The normal order of business for the Regular Meeting of Council shall be as follows:

- 1. Call to Order and Presentations**
- 2. Agenda - Addenda and Adoption**
- 3. Adoption of Minutes**
- 4. Public Hearings**
- 5. Question Period**
 - 5.1 Question Period**
 - 5.2 Question Period Actions**
- 6. Delegations**
 - 6.1 Delegation Presentations**
 - 6.2 Delegation Decisions**
- 7. Bylaws**
 - 7.1 Public Hearing Decisions**
 - 7.2 Bylaws**
- 8. Action Items**
- 9. Correspondence and Information**
 - 9.1 Correspondence, Reports and Information**
 - 9.2 Administrative Inquiries**
 - 9.3 Correspondence Decisions**
- 10. Committee and Councillor Reports**
 - 10.1 Committee Minutes - requiring Council acceptance**
 - 10.2 Councillor Reports**
 - 10.3 Notices of Motion**
- 11. Closed Session**
- 12. Adjournment**

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

Schedule "B"

CODE OF CONDUCT FOR MUNICIPAL COUNCILLORS

17-14 Deleted, intentionally left blank

**BYLAW 16-06 OFFICE CONSOLIDATION
TOWN OF BLACK DIAMOND**

Bylaw 16-06
Procedure Bylaw
Office Consolidation

Following are the amending bylaws used in the Office Consolidation of this Bylaw, in order of Occurrence, as listed on Page 2 of this Consolidation document.

**BYLAW 16-13
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,
IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 16-06 Procedure Bylaw;

AND WHEREAS, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 16-06 Procedure Bylaw;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. DEFINITIONS

- 1.1. “*Act*” means the Municipal Government Act, R.S.A. 2000 M-26, as amended;
- 1.2. “*Bylaw*” means a bylaw of the Town;
- 1.3. “*Council*” means the Council of the Town of Black Diamond;
- 1.4. “*Town*” means the Corporation or the Town of Black Diamond.

2. AMENDMENTS

- 2.1. Section 7.2 of the Procedure Bylaw is deleted in its entirety and replaced by the following:

“Regular meetings of Council shall be held on the first and third Wednesday of every month, commencing at 7:30pm and on the fourth Tuesday of each month commencing at 9:30am, unless otherwise advertised by Council, in accordance with the Act and this Bylaw.”
- 2.2. Section 7.3 of the Procedure Bylaw is deleted in its entirety and replaced by the following:

“Regular meetings of Council may be cancelled, by resolution of Council, in accordance with the Act and this Bylaw, including the cancellation of any or all Regular meetings in the months of July and August.”
- 2.3. Section 35 of the Procedure Bylaw is deleted in its entirety, retaining only the title to be kept for future reference.
- 2.4. Amend Schedule A of the Procedure Bylaw by:
 - a) removing Section 10.1 “Committee of the Whole” from the Order of Business at Meetings, and
 - b) renumbering the remainder of Section 10.

**BYLAW 16-13
TOWN OF BLACK DIAMOND**

3. SEVERABILITY

3.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 16th day of November A.D. 2016.

READ A SECOND TIME this 16 day of November A.D. 2016.

READ A THIRD AND FINAL TIME this 16 day of November A.D. 2016.



MAYOR



LEGISLATIVE SERVICES MANAGER

November 16 2016
Date signed

**BYLAW 17-14
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,
IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 16-06, known as the Procedure Bylaw;

AND WHEREAS, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 16-06;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. AMENDMENTS

- 1.1. Section 37.1 of the Procedure Bylaw is deleted in its entirety, and replaced by the following:
"Members of Council shall subscribe to the Council's adopted Code of Conduct Bylaw".
- 1.2. Schedule "B" of the Procedure Bylaw is deleted in its entirety, retaining only the title to be kept for future reference.

2. SEVERABILITY

- 2.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 20th day of September A.D. 2017.

READ A SECOND TIME this 20th day of September A.D. 2017.

READ A THIRD AND FINAL TIME this 20 day of September A.D. 2017.



MAYOR



LEGISLATIVE SERVICES MANAGER

Sept. 20, 2017

Date signed

**BYLAW 17-15
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,
IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 16-06, known as the Procedure Bylaw;

AND WHEREAS, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 16-06;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. AMENDMENTS

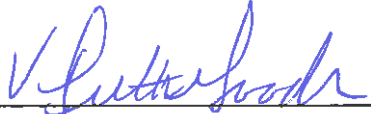
- 1.1.** Section 7.2 of the Procedure Bylaw is deleted in its entirety and replaced by the following:
"Regular meetings of Council shall be held on the first and third Wednesday of every month, commencing at 7:00pm and on the fourth Tuesday of each month commencing at 9:00am, unless otherwise advertised by Council, in accordance with the Act and this Bylaw.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 15th day of November A.D. 2017.

READ A SECOND TIME this 15th day of November A.D. 2017.

READ A THIRD AND FINAL TIME this 15th day of November A.D. 2017.



MAYOR



LEGISLATIVE SERVICES MANAGER

November 15 2017

Date signed

**BYLAW 19-01
TOWN OF BLACK DIAMOND**

**A BYLAW TO AMEND A BYLAW WITHIN THE TOWN OF BLACK DIAMOND,
IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and amendments thereto, the Council of the Town of Black Diamond in the Province of Alberta has adopted Bylaw 16-06, known as the Procedure Bylaw;

AND WHEREAS, the Council wishes to exercise its authority pursuant to the Municipal Government Act to amend Bylaw 16-06, the Procedure Bylaw;

NOW THEREFORE the Council of the Town of Black Diamond, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. AMENDMENTS

- 1.1.** Section 3 of the Bylaw is amended by removing definition 3.12. “*In-Camera*” in its entirety and inserting the new definition of “*Closed Session*” as “means a part of the meeting closed to the public at which no resolution or bylaw may be passed, except a resolution to revert to a meeting held in public;” following definition 3.7. “*Chairperson*” and renumbering the entire section accordingly.
- 1.2.** Remove references to the term “In-Camera” and replace them as follows:
- a)** Section 16.2.d) is replaced with “Council is in a Closed Session; or”;
 - b)** Section 18.1.b) is replaced with “Council may, by resolution, meet in a Closed Session to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public”;
 - c)** Section 18.3. is replaced with “No Member, Officer or other person participating in a Closed Session shall use any electronic devices, tablets, cell phones, etc. unless required for the purpose of displaying or sharing digital information with those in attendance at the Closed Session. All other devices shall be turned off and placed in full view during the Closed Session, or completely removed from any person’s access. No Member, Officer or other attendee shall have any electronic communications, either internally or externally, during a Closed Session”;
 - d)** Section 21.3.f) is replaced with “a motion to go into a Closed Session”; and
 - e)** Section 34.9 is replaced with “When a Committee is of the opinion that a meeting, or a portion of a meeting, should be held in a Closed Session, the motion passed to authorize the Closed Session shall include the reason for holding the Closed Session meeting, and the meeting shall be conducted in accordance with the Act”.

**BYLAW 19-01
TOWN OF BLACK DIAMOND**

- 1.3.** Section 12.5 of the Bylaw is deleted in its entirety and replaced by:
The Presiding Officer may not permit any question being addressed at a meeting of the Council regarding:
- a)** any matter that will be the subject of a bylaw requiring a Public Hearing, or for which a Public Hearing has already been held, or
 - b)** the promotion of commercial products or services which have no connection to the business of the Town, or
 - c)** any matters subject to non-disclosure in accordance with the Freedom of Information and Protection of Privacy Act or regulations. These may include employment/personnel matters, negotiation matters, land sale/purchase negotiations, legal issues, etc.
- 1.4.** Section 25.10 of the Bylaw is amended by deletion of the word “subsequently”.
- 1.5.** Schedule “A” of the Bylaw is deleted in its entirety and replaced by:

**BYLAW 19-01
TOWN OF BLACK DIAMOND**

Schedule "A"

ORDER OF BUSINESS AT MEETINGS

The normal order of business for the Regular Meeting of Council shall be as follows:

- 1. Call to Order and Presentations**
- 2. Agenda - Addenda and Adoption**
- 3. Adoption of Minutes**
- 4. Public Hearings**
- 5. Question Period**
 - 5.1 Question Period**
 - 5.2 Question Period Actions**
- 6. Delegations**
 - 6.1 Delegation Presentations**
 - 6.2 Delegation Decisions**
- 7. Bylaws**
 - 7.1 Public Hearing Decisions**
 - 7.2 Bylaws**
- 8. Action Items**
- 9. Correspondence and Information**
 - 9.1 Correspondence, Reports and Information**
 - 9.2 Administrative Inquiries**
 - 9.3 Correspondence Decisions**
- 10. Committee and Councillor Reports**
 - 10.1 Committee Minutes - requiring Council acceptance**
 - 10.2 Councillor Reports**
 - 10.3 Notices of Motion**
- 11. Closed Session**
- 12. Adjournment**

**BYLAW 19-01
TOWN OF BLACK DIAMOND**

2. SEVERABILITY

2.1. It is the intention of the Council of the Town of Black Diamond that each section of this Bylaw should be considered as being separate and severable from all other sections. Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall be effective and enforceable.

This Bylaw will take force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 22nd day of January A.D. 2019.

READ A SECOND TIME this 6th day of February A.D. 2019.

READ A THIRD AND FINAL TIME this 6th day of February A.D. 2019.

Original Signed
MAYOR

Original Signed
LEGISLATIVE SERVICES MANAGER

February 6, 2019
Date signed