

**BYLAW 2020-16
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;

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" means 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" means the senior Administration resource person appointed to a Committee by the CAO;
- 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. "CAO" or "Chief Administrative Officer" means the person appointed to the position by the Council of the Town of Black Diamond to carry out the power, duties and functions of the CAO. It may also mean a person appointed to this position on an interim basis, or a person to whom the CAO has delegated their authorities to, in accordance with the Town of Black Diamond Chief Administrative Officer Bylaw;
- 3.7. "Chairperson" means the Member elected from among the Members of a Committee to preside at all meetings of the Committee;
- 3.8. "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;
- 3.9. "Committee" means a Committee, board, commission, authority, task force or any other public body established by Council pursuant to this Bylaw;
- 3.10. "Council" means the Mayor and Councillors of the Town of Black Diamond;

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- 3.11.** "*Delegation*" means any person or group of people making a scheduled presentation at a meeting;
- 3.12.** "*Deputy Mayor*" means a Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;
- 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.** "*Pecuniary Interest*" means something which could monetarily affect a Member, their spouse or adult interdependent partner, or children, their parents or the parents of their spouse, or a business which employs a Member, or in which they have an interest;
- 3.18.** "*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;
- 3.19.** "*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;
- 3.20.** "*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 or any matter which concerns a Member or Council collectively, or the propriety of the conduct of a Member, the Council, its Officers or its visitors, and includes, but is not limited to:
- a)** the comfort of Members regarding heating, lighting, ventilation, noise or other disturbance;
 - b)** conduct or speech of Members, Officers, employees or visitors; or
 - c)** any speech made against a Member's character or the reputation of Council collectively;

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- 3.24. "*Quorum*" means the majority of all Members comprising the Council or Committee, except as provided otherwise by the Act, or by a Terms of Reference for a Committee;
- 3.25. "*Regular Meeting*" means a meeting regularly scheduled or rescheduled by Council, pursuant to the Act;
- 3.26. "*Special Meeting*" means a meeting called by the Mayor pursuant to the Act;
- 3.27. "*Terms of Reference*" means those terms pertinent to the establishment and mandate of a Committee and which may be in addition to or beyond the parameters of this Bylaw;
- 3.28. "*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. Where this Bylaw uses a pronoun or determiner which indicates one gender, it shall include all genders unless the context requires otherwise.
- 4.5. Subject to the appeal process described in this Bylaw, the Presiding Officer or Chairperson shall interpret procedure.
- 4.6. 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.

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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 CAO shall set the time and place for the Organizational Meeting.
- 5.3. The order of business for the Organizational Meeting shall be as set out in Schedule "C" but may also include any other business required by the Act, or which Council or the CAO may direct.
- 5.4. The first meeting immediately following a general municipal election shall be the Organizational Meeting. The Mayor and each Councillor shall take the prescribed Oath of Office as the first order of business. Until the Mayor has taken the Oath of Office, the CAO shall chair the Meeting.

6. MEETINGS OF COUNCIL

- 6.1. Meetings of Council shall be held in the Council Chambers unless notice is given in accordance with the Act and this Bylaw that the Meeting will be held elsewhere in the community.
- 6.2. Regular Meetings of Council shall be held on the first Wednesday of each month beginning at 7:00 pm, and the third Wednesday of each month beginning at 9:00 am unless otherwise advertised by Council, in accordance with the Act and this Bylaw.
- 6.3. 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.
- 6.4. 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. A disclosure of Pecuniary Interest shall be recorded in the minutes of the meeting.

7. NOTICE OF MEETINGS

- 7.1. 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) emailed or faxed to each Council or Committee Member;
 - d) posted on the municipal website; and
 - e) given any other notification as requested by Council or the Committee.
- 7.2. Despite section 7.1, 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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- 7.3. Despite section 7.2, if a Special Meeting of Council is called in accordance with section 23.1 of the *Emergency Management Act*, the notice requirements do not apply.

8. MEETING THROUGH ELECTRONIC COMMUNICATIONS

- 8.1. Members may attend a Council meeting utilizing electronic communications, in accordance with the Act, and any related regulations.
- 8.2. Council may use any method of two-way electronic communication available, including but not limited to; telephone conference call platforms, videoconferencing software or other media that provide full audio or audio and visual capabilities.
- 8.3. Members attending a meeting using electronic communications must ensure that their location is able to support the use of electronic communications, and an appropriate work environment, ensuring that all Members participating in the meeting are able to communicate effectively.
- 8.4. A Member may attend a Regular Meeting or a Special Meeting by means of electronic communication a maximum of two (2) times per calendar year, unless otherwise approved by a resolution of Council or authorized by the Act or any related regulations.
- 8.5. No Member attending a Council meeting via electronic communications shall be the Presiding Officer of a meeting unless a majority of Members attend via electronic communications.
- 8.6. Unless otherwise authorized by the Act or related regulations, Members wishing to attend a meeting via electronic communications must provide written notice to the Legislative Services Manager or the CAO at least two (2) days in advance, to facilitate the attendance and provide notice in accordance with the Act.
- 8.7. A Member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the electronic communications connection remains active. In the event that the electronic communications connection is lost, the Presiding Officer will confirm the loss of service, and the time of the resulting change in attendance will be recorded in the Minutes.
- 8.8. Members attending a meeting via electronic communications shall vote verbally, only after all other Members present have voted in their usual manner. In the event that a majority of Members are attending via electronic communications, all Members shall vote verbally as called upon by the Presiding Officer.
- 8.9. Members may attend a Closed Session using electronic communications only if the Members are able to ensure that their location provides privacy for confidential participation in the Closed Session.
- 8.10. Council may request or permit any person or group, such as but not limited to, a contractor, consultant, auditor, lawyer or other advisors to attend a Closed Session using electronic communications, only if such persons can confirm their ability to ensure privacy for confidential participation in the Closed Session.

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9. CANCELLATION OF MEETINGS

- 9.1.** A Council meeting 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.

10. AGENDA

- 10.1.** The Agenda shall list the items and order of business for the Council meeting.
- 10.2.** The normal order of business for a Regular Meeting of Council or a Special Meeting of Council shall be set out in Schedules "A" and "B", 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 Administration presents an altered order of business at a Regular Meeting, which is adopted by a two-thirds (2/3) vote by Council.
- 10.3.** All submissions for the Agenda of any Regular Council meetings, including Public Hearings, shall be received by the Legislative Services Manager no later than 1:00 pm, seven (7) days prior to the meeting.
- 10.4.** 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.
- 10.5.** Subject to section 10.6 of this Bylaw, only material which has been received in accordance with section 10.2 of this Bylaw shall be considered at the meeting for which the Agenda is prepared.
- 10.6.** If an emergent matter needs to be brought before Council at any Regular 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.
- 10.7.** No late submission may be added to a Regular Meeting Agenda after the adoption of the Agenda unless approved unanimously by Council.
- 10.8.** The Legislative Services Manager shall ensure that copies of the Agenda are:
- a)** available for Council Members no later than 4:30 pm on the fifth (5th) day prior to the day on which the meeting is to be held; and
 - b)** available on the municipal website no later than 4:30 pm on the fifth (5th) day prior to the day on which the meeting is to be held.
- 10.9.** 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

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than two (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 republication of the Agenda.

- 10.10.** Committees of Council are deemed to be exempt from section 10.8 unless directed by Council to comply.
- a) Committees of Council will ensure that their meeting Agendas are prepared and provided to their Members not less than two (2) days prior to the meeting.
 - b) Committees of Council may determine their orders of business (Agenda) based on the business needs of the Committee.

11. QUESTION PERIOD

- 11.1.** 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.
- 11.2.** The subject must be in the form of a question, and the question is to be presented in five (5) minutes or less.
- 11.3.** Question Period shall last for a maximum of 15 minutes unless extended by a two-thirds (2/3) vote of Council.
- 11.4.** 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.
- 11.5.** 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.
- 11.6.** Council Members may ask questions of clarification, which are relevant to the subject question.
- 11.7.** At no time shall a questioner, Council Member, a Delegation or Administration enter into a debate during the Question Period.
- 11.8.** 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 CAO or as Council may determine.

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12. DELEGATIONS

- 12.1.** 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 1:00 pm on the seventh (7th) day before the day on which the next Council meeting is being held, with the CAO having the discretion to bring forward items submitted late that may be of an emergent nature.
- 12.2.** Delegations to Council shall be limited to a maximum number of three (3) per scheduled meeting unless the CAO brings forward any items deemed to be of an emergent nature.
- 12.3.** 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.
- 12.4.** Delegations are restricted to speaking to the subject matter only. In questioning Delegations, Members of Council will only ask questions of clarification that are relevant to the subject of the hearing and will avoid repetition.
- 12.5.** Decisions of Council regarding any Delegation will be made during the Delegation Decisions portion of the Agenda.

13. QUORUM

- 13.1.** When a Quorum is present at the time set for commencement of a Council meeting, the Presiding Officer shall call the meeting to Order.
- 13.2.** If there is a Quorum present at the time set for commencement of a meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to Order and shall call for a Presiding Officer to be chosen by resolution.
- 13.3.** If a Quorum is not established within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the Members present and Adjourn the meeting.
- 13.4.** If a Council meeting is adjourned for:
- a)** failure to establish Quorum; or
 - b)** due to loss of Quorum as a result of a Member leaving the meeting; or
 - c)** due to loss of Quorum as a result of a Member's electronic communication connection being lost
- any remaining Agenda items for that Council meeting shall be considered at the next Regular Meeting of Council, unless a Special Meeting is conducted to complete such business.
- 13.5.** 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

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b) a Council Member not being present for all or part of a Public Hearing; then the motion shall be forwarded to the next meeting of Council and shall be the first item of business to be addressed on that Agenda.

14. ADJOURNMENT

- 14.1.** A Regular Council meeting shall Adjourn no later than 11:00 pm. If in session at that time, Council shall conclude the matter under discussion and recess the meeting to reconvene at 6:00 pm 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 11:00 pm as the business permits, agree to an extension of the meeting beyond 11:00 pm.
- 14.2.** 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.
- 14.3.** A motion to Adjourn shall be put without comment or debate.
- 14.4.** 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.

15. RECESS

- 15.1.** 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.
- 15.2.** A motion to Recess may be amended only as to length of time, but neither the motion, nor the amendment, is debatable.
- 15.3.** If no speaker is addressing Council, the Presiding Officer may call a Recess for a specific period.

16. CONTROL AND CONDUCT OF COUNCIL MEETINGS

- 16.1.** Council meetings will be held in public, and no person may be excluded except for:
- a) improper conduct; or
 - 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.

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- 16.2.** No Member shall participate in any 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. Authorized electronic device usage would include, but not be limited to; online services such as maps, calculator, dictionary or internet searches. Electronic communications that would not be authorized would include, but not be limited to; email, texting, social media posting or FaceTime or videoconferencing services not being used to join the current Council meeting electronically.
- 16.3.** No Member, Officer or other person participating in a Closed Session shall use any unauthorized electronic devices, tablets, cell phones, etc. unless required for the purpose of displaying or sharing digital information with those in attendance. No Member, Officer or other attendees shall have any unauthorized electronic communications, either internally or externally, during a Closed Session.
- 16.4.** Per section 8.10 Council may request or permit any person or group to attend a Closed Session using electronic communications.
- 16.5.** 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.
- 16.6.** When the Presiding Officer wishes to debate or make a motion, they 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.
- 16.7.** Any Member, Officer or other person who wishes to speak at a Council meeting must first obtain the permission of the Presiding Officer.
- 16.8.** 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.
- 16.9.** When a Member or Officer is addressing the Presiding Officer, every other Member shall:
- a) remain quiet and seated;

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- 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.
- 16.10.** 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.
- 16.11.** The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.
- 16.12.** When a Member wishes to leave the Council Chambers while a Meeting of Council is in progress, they shall request and await the Presiding Officer's permission before leaving.
- 16.13.** No Member shall, subject to the Act, leave the Council Chamber after a question is put to a vote, until the vote is taken.

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

- 17.1.** When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration by the Presiding Officer.
- 17.2.** 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.
- 17.3.** 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.
- 17.4.** 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.
- 17.5.** When the Presiding Officer is of the opinion that any motion is contrary to the rules of Council, they shall advise the Members immediately and quote the rule or authority applicable, and no argument or comment shall be permitted.
- 17.6.** The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 18 of the Bylaw.

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18. CHALLENGE TO THE RULING OF THE PRESIDING OFFICER

- 18.1.** 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.
- 18.2.** 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.
- 18.3.** 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 18.1.
- 18.4.** Any resolution carried under the circumstances mentioned in section 18.3 of this Bylaw is effectual and binding as if carried under the chairmanship of the Presiding Officer.

19. MOTIONS IN COUNCIL

- 19.1.** A Member who wishes to submit a motion in excess of twenty-five (25) words shall do so in writing.
- 19.2.** 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.
- 19.3.** 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.
- 19.4.** 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.
- 19.5. 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.
- 19.6. 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.

20. AMENDMENTS

- 20.1. 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.
- 20.2. 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.
- 20.3. 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.
- 20.4. The Presiding Officer shall put amendments to a vote in the reverse order to which they have been moved.
- 20.5. When all amendments are voted on, the Presiding Officer shall ask for a vote on the main motion, incorporating any carried amendments.

21. MOTIONS CONTAINING DISTINCT PROPOSITIONS

- 21.1. A motion containing several distinct propositions is not out of order for that reason alone.
- 21.2. 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.

22. MOTIONS OUT OF ORDER

- 22.1. Subject to an appeal in accordance with Section 18, 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.
- 22.2. The Presiding Officer shall advise Council and shall cite the applicable rule or authority when determining that a motion is out of order.

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23. DEBATE ON MOTIONS

- 23.1.** No Member of Council shall speak without first being recognized by the Presiding Officer; and being granted the floor.
- 23.2.** No Member may speak to or ask questions of an Agenda item presenter until a motion is put forward for debate or discussion.
- 23.3.** 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.
- 23.4.** 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.
- 23.5.** 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.
- 23.6.** When a Member has closed debate, the Presiding Officer shall declare the motion and ask for a vote.
- 23.7.** 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.
- 23.8.** 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.
- 23.9.** 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 27 of this Bylaw.
- 23.10.** Subject to section 26, 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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24. POSTPONING AND REFERRING MOTIONS

- 24.1. Motions to table any matter are not permitted.
- 24.2. A motion to postpone any matter shall include in the motion:
 - a) a specific time to which the matter is postponed; or
 - b) a provision that the matter is to be postponed indefinitely.
- 24.3. A motion to postpone a matter is amendable and debatable.
- 24.4. 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.
- 24.5. 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.
- 24.6. 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.

25. VOTING ON MOTIONS

- 25.1. 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.
- 25.2. 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.
- 25.3. 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.
- 25.4. A Member shall not vote on a matter if they are absent from the Council Chambers when a vote is called.
- 25.5. 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.
- 25.6. Votes on all motions must be taken as follows:
 - a) the Presiding Officer must declare the motion and call for the vote;

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- b) Members must:
 - i. vote by a show of hands or by an electronic or computerized voting system, if available; or
 - ii. vote verbally, if participating by a communication facility.
- 25.7. After the Presiding Officer declares the result of the vote, Members may not change their vote unless in accordance with section 26.
- 25.8. 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.
- 25.9. It is only necessary for each Member to vote separately on a recorded vote.

26. RECONSIDERING, RESCINDING OR RENEWING A MOTION

- 26.1. 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.
- 26.2. A motion to reconsider is only debatable when the motion being considered is debatable.
- 26.3. 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 forward if there is substantial new information or a change in circumstances demonstrated; or
 - d) brought after a Municipal General Election, which has taken place since the date of the original motion.
- 26.4. Notice of Motion to rescind or renew a motion must be given or dispensed with pursuant to the provisions of this Bylaw.
- 26.5. No motion to rescind may be made when the question can be reached by reconsidering the motion.

27. NOTICES OF MOTION

- 27.1. 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.
- 27.2. 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

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without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

- 27.3.** The Motion on Notice and any supporting documents must be submitted to the Legislative Services Manager and generally will provide the information or assistance required for Administration to provide Council with a complete Request for Decision (RFD). The information must be provided no later than 1:00 pm 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.
- 27.4.** 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.

28. BYLAWS

- 28.1.** 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.
- 28.2.** The Legislative Services Manager shall copy the Bylaw in full and forward it with the Agenda.
- 28.3.** Every Bylaw shall have three (3) readings. Only the title or identifying number must be read at each reading.
- 28.4.** A Bylaw shall be introduced for first reading by a motion that the Bylaw be read a first time.
- 28.5.** Council shall vote on the motion for first reading of a Bylaw without amendment or debate.
- 28.6.** After first reading, a Member may ask a question concerning the Bylaw.
- 28.7.** A Bylaw shall be introduced for second reading by a motion that it be read a second time.
- 28.8.** 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.
- 28.9.** 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.
- 28.10.** 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.
- 28.11.** Council shall vote on the motion for third reading of a Bylaw without amendment or debate.

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- 28.12.** 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.
- 28.13.** 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.
- 28.14.** In accordance with the Town of Black Diamond Designated Officers Bylaw, designated officers are authorized 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.

29. URGENT BUSINESS

- 29.1.** Notwithstanding section 27.1, a Member may move to discuss a matter of urgent public importance without prior Notice of Motion.
- 29.2.** 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.

30. ADMINISTRATIVE INQUIRIES

- 30.1.** 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 CAO.
- 30.2.** Unless an inquiry specifies that the Member wishes the answer to appear on a subsequent Council Agenda, the CAO may give the answer directly to all of the Members.
- 30.3.** When an inquiry involves a written answer to be given at a future meeting, and it appears to the CAO that the Town would incur a cost of over \$500.00 by reason of:
- a)** the time of Town employees who must be taken from the performance of their regular duties or overtime that must be worked;
 - b)** the need to hire additional employees, or

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- 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 CAO shall report the anticipated cost to Council before undertaking such inquiry.
- 30.4.** When the CAO 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 abandons the inquiry.
- 30.5.** The subject matter of an inquiry is not debatable until the reply to the inquiry has been made or presented to Council.
- 30.6.** A Member who requested an Administrative Inquiry may, in writing and prior to a Council submission, instruct Administration to abandon the Inquiry.

31. COUNCILLOR REPORTS

- 31.1.** Each Member is to submit a written report of their Council and Committee activities for the previous month.
 - a) Councillor Reports are to be submitted to the Legislative Services Manager no later than 1:00 pm, seven (7) days prior to the second 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.
- 31.2.** Councillor Reports are published and available on the Town's website within seven (7) days of the Council meeting they are presented at.

32. COMMITTEES

- 32.1.** Council may, by Bylaw, establish Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Town.
- 32.2.** The Terms of Reference for Committees, contained within the Committee's establishing Bylaw, may be amended from time to time, as required.
- 32.3.** 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.

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- 32.4.** Council may appoint, by resolution, Councillors, employees, Members-at-large, or other Members to Committees in accordance with the approved Terms of Reference.
- 32.5.** Appointments of Council Members to Committees shall be for a term of one (1) year unless otherwise specified.
- 32.6.** 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.
- 32.7.** Committees shall conduct meetings in public in accordance with the Act and within the rules governing the procedures of Council.
- 32.8.** Committees must conduct their business in accordance with the Committee Guidelines Policy/Procedure, ADMIN-017, as amended from time to time.
- 32.9.** A Committee may be of the opinion that a meeting or part of a meeting is required to be held in a Closed Session. In accordance with the Act, a motion to convene a Closed Session must include the reason for the Closed Session. The Closed Session must be conducted, and the meeting reopened to the public in accordance with the Act.
- 32.10.** 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.
- 32.11.** 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.
- 32.12.** Councillors appointed to a Committee by Council shall be responsible for keeping Council informed as to Committee activities.
- 32.13.** A Committee shall report to Council, as required.
- 32.14.** The CAO may appoint an Administrative Representative to each Committee who shall:
- a) ensure notice is given in accordance with the Act, Agendas are prepared 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, nor vote on any matter.

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33. PUBLIC HEARINGS

- 33.1. "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.
- 33.2. "Close" used in relation to a Public Hearing, means to terminate the Public Hearing.
- 33.3. Public Hearings required by the Act must be advertised and conducted in accordance with the Act, per Schedule "D".

34. GENERAL

- 34.1. Members of Council and Committees of Council shall subscribe to the Council's adopted Code of Conduct Bylaw.
- 34.2. Bylaws 16-06, 16-13, 17-14, 17-15, 19-01, 19-11 and any amendments thereto, are hereby rescinded.
- 34.3. This Bylaw takes force and effect upon third and final reading and signing thereof.

READ A FIRST TIME this 7th day of October A.D. 2020.

READ A SECOND TIME this 7th day of October A.D. 2020.

READ A THIRD AND FINAL TIME this 21st day of October A.D. 2020.

Original Signed
MAYOR

Original Signed
LEGISLATIVE SERVICES MANAGER

October 21, 2020
Date signed

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Schedule "A"

ORDER OF BUSINESS AT REGULAR COUNCIL MEETINGS

Subject to section 10.2, the normal order of business for a 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. Reports and Committee Minutes**
 - 9.1 Committee Minutes - requiring Council acceptance**
 - 9.2 Councillor Reports**
 - 9.3 Administrative Inquiries and Staff Reports**
- 10. Correspondence and Information**
 - 10.1 Correspondence and Information**
 - 10.2 Correspondence Decisions**
- 11. Notices of Motion**
- 12. Closed Session**
- 13. Adjournment**

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Schedule "B"

ORDER OF BUSINESS AT SPECIAL COUNCIL MEETINGS

Subject to section 10.2, the normal order of business for a Special Meeting of Council shall be as follows:

- 1. Call to Order**
- 2. Waiver of Notice**
- 3. Adoption of Agenda**
- 4. Delegation(s)**
- 5. Items to be Discussed**
- 6. Closed Session**
- 7. Adjournment**

A special council meeting may be held with less than 24 hours notice to all Councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting. (*MGA 194*)

No matter other than that stated in this notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question. (*MGA 194*)

Where the sole purpose of a meeting of a local authority is to pass a resolution referred to in section 21(1) or 23(1), the notice requirements in sections 194 to 196 and 199 of the *Municipal Government Act* do not apply. (*Emergency Management Act 23.1*)

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Schedule "C"

ORDER OF BUSINESS AT ORGANIZATIONAL MEETINGS

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

- 1. Call to Order**
Oaths of Office will be sworn if the Organizational Meeting immediately follows an election or by-election
- 2. Adoption of Agenda**
- 3. Policies for Review**
- 4. Bylaws for Review**
- 5. Meetings Schedule**
- 6. Selection and Swearing-In of Deputy Mayor**
- 7. Banking Resolutions**
- 8. Council Committee Representation**
- 9. Health & Safety**
- 10. Adjournment**

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Schedule "D"

PUBLIC HEARINGS PROCEDURES

1. The Chair calls the hearing to order. The Chair will then explain the procedure to be followed during the hearing. All questions and comments shall be directed through the Chair.
2. The Chair state the matter to be considered and will verify that the Public Hearing was advertised in accordance with the *Municipal Government Act*.
3. The Planning Officer will then be asked to introduce the application, describing the area, its recent history, any technical matters or concerns and the recommendation of the relevant development authority. Council can then put questions to the Planning Officer pertaining to the presentation.
4. The Applicant or the Applicant's designated representatives will then be given a maximum of 20 minutes to make their presentation. A majority vote of Council can provide a longer presentation time allotment if agreed to prior to the beginning of the presentation. Following the presentation, Councillors can then put questions to the Applicant or their representatives.
5. The Chair will then receive any late written submissions (10 copies are required). The written submissions will be read into the record.
6. Any person, group of persons or person representing them, who claims to be affected by the Bylaw will be heard. The Chair will call them forward, in the following order:
 - those who have signed in to speak to the Bylaw. All attendees are encouraged to summarize their concerns in a concise manner rather than reading the entire letter if one is already submitted by the speaker,
 - anyone present who wishes to make general comments regarding the Bylaw, and
 - all persons who want to respond to any *new information* that has arisen.

Authorized speakers must:

- state their name for the record, and if applicable, the name of the person(s) they are representing,
- remember to direct all remarks to the Chair and not to the Applicant,
- make presentations only, not ask questions, and
- complete their presentations within the allotted five (5) minutes, unless representing a group, then ten (10) minutes is permitted.

Councillors may ask questions at the end of each presentation.

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Schedule “D”

7. The Chair will verify that there are no more written or verbal presentations. Any late written submissions will be read into the record.
8. The Chair will ask the Applicant if they have closing remarks, answering only questions or concerns *brought forward at the hearing*. No new information is permitted. Councillors can ask questions of the Applicant at the end of the closing remarks.
9. The Chair will then ask the Planning Officer if they have closing remarks, answering only questions or concerns brought forward at the hearing. Councillors can ask questions of the staff at the end of the closing remarks.
10. The Chair will then ask Members of Council if they are satisfied that they have obtained sufficient information, and then will determine if the hearing should be closed or adjourned. The Chair will then outline when a decision will be forthcoming, usually later in the Regular Council meeting Agenda.
11. If there is more than one (1) Public Hearing on the Agenda, the Presiding Officer shall adjourn or close one Public Hearing before opening another Public Hearing.
12. 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.