

DATE: March 18, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: WALTER BABICZ, CITY MANAGER

SUBJECT: Legislative Amendments to Public Notice Requirements

ATTACHMENT(S): None.

RECOMMENDATION:

THAT Council DIRECTS Administration to return a report with options for alternate means of public notice publishing for consideration at a future open Council meeting.

PURPOSE:

The purpose of this report is to provide Council with information regarding recent amendments to legislation by the Province and more specifically at this time, changes and options related to public notice requirements.

BACKGROUND:

On October 26, 2021 Bill 26, *Municipal Affairs Statutes Amendment Act (No. 2), 2021* was introduced in the Legislature. The Bill proposed amendments to various sections in the *Community Charter*, *Local Government Act* and other legislation. Certain amendments came into force February 28, 2022 and among these are provisions for providing public notice by various means. The amendment to the *Community Charter* in this area provides local governments with the option to adopt a bylaw to provide for alternative means of notice publication that are different than the default requirement of newspaper publishing.

DISCUSSION:

Under a new section of the *Community Charter*, section 94.2, Council may by bylaw provide for alternative means of publishing a notice instead of publishing the notice in a newspaper. *Public Notice Regulation 52/2022* sets out the principles for effective public notice that local governments must adhere to. The principles that Council must be considered before a public notice bylaw is adopted is an assessment of whether the options are reliable, suitable and accessible. It is also important for the local government to keep a record of the date and period of time that the notice was published.

Specific timing and notice content requirements in the *Community Charter* and *Local Government Act* continue to apply whether the local government has adopted a public notice bylaw or is using the default requirements. Unless Council has adopted a bylaw to provide for alternative means of notice publication, the default publication requirement of using a newspaper that is distributed at least weekly and posting once each week for two consecutive weeks continues to apply. A local government adopting a public notice bylaw must use the same two or more methods specified in the bylaw for

publishing all public notices. In the event that one of the methods for publishing notice is unavailable, the local government must amend the public notice bylaw and choose a new method of publishing notice to meet the legislated public notice requirements. Notice posting to a public notice posting place (i.e. bulletin board) remains a requirement in the legislation. In addition, Council may provide any further notice respecting a matter that it considers appropriate, including by the internet or other electronic means.

Consideration of whether or not to proceed with a public notice bylaw include factors such as the reach and cost of newspaper advertising as compared to other mediums, such as the City's online platforms and social media. Should Council wish to proceed, it will also be important to consider the upcoming general local election in October of this year and the timing for implementation of a new bylaw to provide for alternate public notice.

Although public notice bylaws will be unique to a community's needs and means available, Administration will review the methods of our peer municipalities to determine the approaches they use to provide public notice.

STRATEGIC PRIORITIES:

This initiative, if supported, contributes to Council's focus area of continuous improvement and effective governance.

SUMMARY AND CONCLUSION:

Local governments that choose to adopt a public notice bylaw must consider the principles of effective public notice to determine the most appropriate methods for the community. The methods of publishing notice will vary from community to community and depend on local circumstances. If directed by Council, Administration will explore different options for public notice that take into account the principles of effective public notice and methods that support openness, transparency and accessibility. Staff will return a report with public notice options for Council's consideration in advance of preparing a bylaw.

PREPARED BY: Maureen Connelly, Manager of Legislative Services/
Corporate Officer

RESPECTFULLY SUBMITTED:

Walter Babicz, City Manager

Meeting Date: 2022/03/28