

DATE: June 3, 2022

TO: MAYOR AND COUNCIL

NAME AND TITLE: MAUREEN CONNELLY, MANAGER OF LEGISLATIVE SERVICES/
CORPORATE OFFICER

SUBJECT: Publication of Statutory Notices by Alternative Means

ATTACHMENT(S): None

RECOMMENDATION:

That Council DIRECTS Administration to proceed with one of the following options for publishing public notice by alternative means, as presented in the report dated June 3, 2022 from the Manager of Legislative Services titled "Publication of Statutory Notices by Alternative Means":

Option 1 – Current Legislation (*Community Charter* s. 94.1) Status Quo

Option 2 – Public Notice by Alternative Means Bylaw (*Community Charter* s. 94.2).

PURPOSE:

The purpose of this report is to provide Council with options for alternative means of statutory public notice publishing.

BACKGROUND:

On February 28, 2022, Bill 26, *Municipal Affairs Statutes Amendment Act (No. 2), 2021* came into force. It amends the *Community Charter* to provide 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.

Section 94 of the *Community Charter* stipulates that where public notice is required, it must be published in accordance with default publication requirements (newspaper) or as set out by City Bylaw providing for alternative means of publication, and by posting in the public notice posting place at City Hall. Currently, the City of Prince George publishes notices in the local newspaper that is published weekly and must abide by specific timelines for ad submission and reviews. While the City has adjusted internal processes to meet the legislative requirements to publish public notice in the newspaper, the current public notice practice is limited in its flexibility and effectiveness.

DISCUSSION:

Given the recent changes in legislation, most communities are reviewing but have not yet implemented a bylaw to publish public notice by alternative means. At the March 28, 2022 regular Council meeting, Council directed Administration to return a report with additional information and options for Council's consideration. Newspaper publication schedules and options have changed in many communities with recent changes in consumer news and advertising consumption and the increased use of

electronic media. It is also recognized that newspapers are not as actively used as information sources by people, as they were in the past when fewer media options were available.

Notice Publishing Timeframes

If publishing public notice in accordance with an alternative means bylaw, the notice must be published at least seven (7) days before the matter for which the notice is required.

There are some matters where the legislation specifies rules pertaining to notice publication timeframes, however, should the City of Prince George adopt a public notice by alternative means bylaw, only one of the methods of publication designated within that bylaw must be published during the legislated time frame with the other method of publication subject to the default of “at least seven days before the date of the matter for which notice is required.”

For example, if a public hearing was scheduled for June 27, legislation requires that at least one notice method be published between June 16 and 21 (not less than 3 days and not more than 10 days before the date of the public hearing).

The other method outlined within the bylaw would be published as per the default “at least seven days before the date of the matter for which notice is required”, June 19.

Alternative Means for Publishing Public Notice

Alternative means must meet the following requirements:

- Specify at least two (2) methods of notice not including the public notice posting place; and
- Considers the principles of effective public notice :
 - Reliable: the publication method is dependable and trustworthy;
 - Suitable: the publication method works for the purpose for which the public notices is intended; and
 - Accessible: the publication methods are easy to access and have broad reach.

Alternate means can include any type of notice that Council deems adequately reaches the community and meets legislative requirements. Possible methods can include digital or print newspaper, direct email or mail out, posting at other civic facilities, social media, local government subscription services, and local government website.

Access to Public Notice Information

The City of Prince George provides various methods by which the public can access information regarding City matters including:

- City's website
 - News and Notices page
 - Events calendar
 - Subscription services
- City's social media accounts including Facebook, Instagram, and Twitter.

It is Administration's intention that the City will continue to use the above channels, where appropriate, to provide information to the public on a variety of matters.

Timing for Bylaw Adoption and Other Implications of Adoption

Should Council adopt a public notice by alternative means bylaw, to ensure all departments who would be affected by adoption of such a bylaw (i.e.: financial services, planning and development, legislative services) have time to adjust internal processes to meet the bylaw requirements, Administration recommends the bylaw be adopted with an enactment date of November 1, 2022, in line with the incoming of the newly elected Council.

Bylaw Options

As mentioned, Administration was directed to return options for Council’s consideration regarding alternative means. The following options are presented to Council as options that Administration believes would be easily implemented into existing process and procedures without the need to invest in new technological infrastructure/services and/or to engage in contracting of other external advertisement services.

Option 1 – Current Legislation (Community Charter s. 94.1) Status Quo

This option maintains the status quo for publishing public notice in that notices will be published in a newspaper that circulates in the community once each week for two consecutive weeks. Should a newspaper be unavailable or impracticable, notice may be given in the area by alternative means such as posting on a community bulletin board or mailed.

In reference to the above noted example, notice of a public hearing on June 27 would be advertised with a detailed public notice in the local newspaper on June 16 and June 23.

Financial Considerations

The majority of advertising is done for public notices related to OCP, Rezoning and other land use applications. These statutory notices in most cases require publishing in a newspaper that is distributed once each week for two consecutive weeks. Notices such as those required for planning and land use and financial matters, require specific detailed information to be included. Below is a table showing the combined advertising expenses in the Development Services and Legislative Services Divisions, for statutory notice newspaper publishing from the year 2019 to date.

| 2019 | 2020 | 2021 | 2022 (January to May) |
|-------------|-------------|-------------|------------------------------|
| \$90,659 | \$136,454 | \$141,545 | \$81,713 |

Option 2 – Public Notice by Alternative Means Bylaw (Community Charter s. 94.2)

Should Council wish to pursue adoption of a bylaw to publish public notice by alternative means, in addition to posting at the City’s public posting place, Administration recommends the following methods and the supporting rationale:

1. Publish a detailed notice on the City’s website “News and Notices” page including notification of that publication to active subscribers via email.

- a. Rationale: Meets the threshold of reliable, suitable, and accessible in that members of the public may opt into the City's online subscription service thereby receiving email notification when public notices are published to the City's website.
2. Publish a post on the City's Facebook page including a link to the detailed notice
 - a. Rationale: There is a growing interest in digital engagement and the use of social media for engaging with the public. Facebook is a widely used media channel that can engage large numbers of people and attract some demographic groups that are typically underrepresented in public engagement efforts. This method of information sharing meets the principles of effective notice in that it is suitable, reliable and accessible. Members of the public can view posts and news items through a free account. In addition, posts can provide for links to the City's website for access to further information and/or opportunities for public participation.

The proposed bylaw could include a provision that would authorize specified positions (i.e. Corporate Officer and others) to supplement the official means of public notice outlined above, with advertising in the newspaper. The optional additional method of public notice, would be a supplementary means of providing notice to the public and could be used in circumstances where significant public input is expected or is a matter effecting the community at large. For clarity, the newspaper ads would not be the official notice and could be in a modified form that provides key information and directs the reader to the City's website for the full notice including all attachments.

Financial Considerations

There are no anticipated costs to be incurred from publishing subsequent notice on the City's website and via the City's subscription service.

STRATEGIC PRIORITIES:

This initiative 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. An option for the City to consider is to provide for a Public Notice Bylaw that specifies the City's website and its Facebook page as the official public notice channels and provides authority to specified positions to supplement with newspaper advertising as appropriate. Before any changes in public notice are implemented by Bylaw it would be important to provide notification to the community and in addition provide for regular reviews of the public notice methods to ensure their effectiveness and to provide for adjustments as necessary.

If directed by Council, Administration will bring forward a bylaw allowing for public notice by alternative means for Council's consideration, as described in the report, that takes into account the principles of effective public notice and methods that support openness, transparency and accessibility.

RESPECTFULLY SUBMITTED:

Maureen Connelly, Manager of Legislative Services/
Corporate Officer

PREPARED BY: L. Kellett, Deputy Corporate Officer

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/06/13