



SUBJECT: Public Notice Policy

TO: Corporate Services, Strategy, Risk & Accountability Cttee.

FROM: Office of the City Clerk

Report Number: CL-09-21

Wards Affected: All

File Numbers: 100-02

Date to Committee: June 7, 2021

Date to Council: June 22, 2021

Recommendation:

Approve the Public Notice Policy attached as appendix A to office of the city clerk report CL-09-21.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Section 270(1)(4) of the *Municipal Act, 2001, S.O. 2001, c. 25* (Municipal Act) states that “a municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.”

The City’s Public Notice policy was originally enacted on April 7, 2008 as Schedule E to the Procedure By-law 37-2008. It remained part of the Procedure By-law until 2016 when it was inadvertently repealed by Procedure By-law 64-2016. No notice policy was established in its place and this policy is required by legislation.

Strategy/Process

The Public Notice Policy (Policy) attached as Appendix A, demonstrates that the City of Burlington wants its residents to be aware of when City business occurs. The Policy provides a clear outline, on when and how residents will be notified when Municipal Act items are completed. Establishing a Public Notice Policy, allows the community to know how and when notices will be provided and aligns with the principles of open government. The Policy also provides guidance to public notice authors, which ensures that all notices are uniform, communicates the pertinent points, and are written in plain language.

Corporate Communications - Newspaper and City Website

The Municipal Act has changed over the years giving municipalities more flexibility in terms of when public notice should be given, as well as the form and manner in which notice is provided. Use of the newspaper is no longer prescribed except in limited circumstances. Therefore, it is recommended that the City move to publishing notices to the City's website, a shift to this new process will reduce advertising costs substantially.

To achieve balance, the Policy indicates that the City may use more comprehensive methods when providing notice, and for a longer period. It also encourages public notice authors to consult with Corporate Communications & Engagement staff to ensure that all appropriate tactics are used (e.g. amplifying through corporate social media accounts, use of corporate digital screens, use of local media) and that the use of other formats, such as video or direct mail are considered when providing notice to the public.

Many municipal comparators have moved towards publication of notices on their website, either exclusively or a hybrid approach with an optional or mandatory newspaper publication.

The new Public Notice Policy will provide greater flexibility to the municipality by allowing notice to be given on the City's website in accordance with the City's Corporate Communications Policy and Web Communications Policy.

Website Enhancements

Corporate Communications will be enhancing the City's site and public access by establishing a Public Notices webpage under the News and Notices menu at <https://www.burlington.ca/en/your-city/News-and-Notices.asp>, which will feature notices under the Municipal Act, in one centralized location to improve customer service. Planning and Heritage Act notices will also be posted to this site.

In addition, links to the Region of Halton Notice page, and the Ontario and Canada Gazette will be present to provide residents with a one-stop shop for most government notices.

Options Considered

In order to meet the intent of the Municipal Act and identify subjects or matters where notice is deemed prudent, the Public Notice Policy sets out the minimum and/or recommended notice standards. The Policy provides a listing of items where specific notice requirements for specific sections of the Act and other legislation are required.

When reviewing the City's former Public Notice provisions, the notice provisions in the Municipal Act and current public notice practices of surrounding municipalities, staff took into consideration the most effective means of providing notice to the public.

In addition, staff undertook to provide for notice timeframes that gave the public sufficient time to make submissions. Nothing in the policy prevents the City from using more comprehensive methods of notice or for providing for a longer notice period. In addition to specifying or providing recommendations for notice, the Public Notice Policy will provide clear direction to determine what department is responsible for providing each notice. This will serve as a tool to help City staff understand the notice requirements and their responsibilities for providing notice.

The Public Notice Policy has been reviewed by the stakeholders involved in providing notice including staff in Finance, Capital Works, Licensing, Clerks and Planning departments. Staff was requested to provide comments and feedback on the policy requirements outlined in the Public Notice Policy. All recommended changes have been considered during the review process of this policy.

Financial Matters:

Depending on the type and frequency of notice, cost is incurred to provide notice. If the requirement under the Municipal Act is for direct mail or newspaper notices, the associated costs for these mediums are unavoidable. As newspaper advertising and direct mailing can be expensive, consideration was given to providing alternative forms of notice where appropriate.

Climate Implications

None.

Engagement Matters:

When notice is required, the public will receive such notice in the form, manner and time outlined in the Public Notice Policy. By providing notice, the public is kept informed of

Council's priorities, municipal policy issues and budget matters thus enhancing accountability and transparency.

The new Policy was drafted with communication and engagement methods in mind, respecting market analysis and trends including use of social media. The City website (<https://www.burlington.ca>) remains as the City's primary and predominant internet presence however the use of social media is also a key aspect of how the City communicates with its residents to engage, inform and receive feedback. In addition, the use of social media affords the opportunity to deliver time-sensitive information quickly.

Should Council approve the Public Notice Policy, it will be made available on the City's website under Corporate Policies.

Conclusion:

The City of Burlington is committed to ensuring notice is provided to the public when required by legislation or as otherwise deemed necessary. The Public Notice Policy will provide a standard with respect to the circumstances in which the City shall provide notice to the public and, if notice is to be provided, the form, manner and timeframe notice shall be given.

Supporting the Public Notice Policy is in keeping with Burlington Council's 2018-2022 V2F of enhancing and emphasizing a customer first approach in all City service areas.

Respectfully submitted,

Amanda Fusco

Deputy City Clerk

amanda.fusco@burlington.ca

Appendices:

A. Public Notice Policy

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.