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STAFF REPORT: ADMINISTRATION



REPORT TO: Finance and Administration  
Committee  
MEETING DATE: December 18, 2007  
REPORT NO.: A.07.34  
SUBJECT: Provision of Notice and Manner  
of Giving Notice  
PREPARED BY: Stephen Keast, Clerk

#### A. Recommendations

THAT Council receive Staff Report A.07.34, "Provision of Notice and Manner of Giving Notice" and enact a By-law to adopt Town Policy POL.COR.07.03, Provision of Notice to the Public, and further gives direction to Town management and staff to implement the Policy.

#### B. Background

Revisions to the *Municipal Act, 2001* as proclaimed on January 1, 2007, include a requirement for a municipality to adopt Policies in six fields, being:

- Sale and other disposition of land
- Hiring of employees
- Procurement of goods and services
- Provision of notice to the public
- Accountability and transparency of actions to the public
- Delegation of powers and duties

The subject Report and Policy represent the third in these six fields for consideration by Council. It is noted the Policies all relate to accountability and transparency of municipal actions and its decision-making process.

Policy POL.COR.07.03 is based on what appears to be an increasingly common format among the municipal Notice Policies being considered and adopted. The previous notice requirements of the *Municipal Act, 2001* were many and varied with no real thread of consistency among perhaps 50 instances of required notice.

This Policy breaks the giving of notice down to four classes, with a clear description prescribing the circumstances, form and manner for the giving of notice within each class. It is believe the proposed Policy is clear, consistent, open and easy to implement.

**C. The Blue Mountains' Strategic Plan**

Goal Providing a strong, well managed municipal government.

Actions Practice open and proactive communications.  
Involve the community, business sector, developers, public partners and others in the ongoing work of the municipality.


**D. Budget Impact** (cc: Treasury if required)

Unknown. Cost associated with the giving of notice is recoverable where an application with fee is required.

**E. Attached**

Policy POL.COR.07.03, Provision of Notice to the Public.

Respectfully submitted,

  
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Stephen Keast, Clerk

# TOWN OF THE BLUE MOUNTAINS

## POLICY & PROCEDURES

Subject Title: Provision of Notice and Manner of Giving Notice to the Public

Corporate Policy (Approved by Council)

Policy Ref. No.: POL.COR.07.03

Administrative Policy (Approved by CAO)

By-law No.: 2007-

Department Policy: (Approved by Mgr.)

Name of Dept.:

Date Approved:

Staff Report:

### Policy Statement

In recognition of the emphasis placed on transparency and accountability measures within the *Municipal Act, 2001*, the Town of The Blue Mountains believes citizens should be made aware of the business of the municipality. In order to make citizens aware, the Town will provide notice based on the following:

- development of a class system that identifies the circumstances of when notice will be provided;
- establishment of notice formats and notice methods that provide consistent, accessible and readable information;
- development of minimum notice time periods.
- minimum notice periods may be exceeded

### Purpose

Compliance with Section 270 of the *Municipal Act, 2001*.

The notice provisions are based on the following principals:

- citizens should be aware what, when and where the business of the municipality is being discussed;
- citizens should be aware when the business being discussed will have an impact on them;
- adequate time should be provided to citizens so they can make submissions.

The following principals apply to the notice:

- be provided as soon as possible;
- be distributed to the broadest possible audience;
- should be given in a variety of manners;

- provide credible, accessible information in a usable format that is easy to understand while being open, inclusive and respectful to all citizens;
- in some circumstances, be given directly to the affected individuals.

## **Application**

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the “municipality”, for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with regard 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.

## Notice Format

A common format has been developed for giving notice which ensures consistency and includes the following information:

- date, time, location, contact information, summary for what notice is being given, what is expected from the giving of notice, how to obtain additional information, how to register as deputation (if appropriate), accessibility tagline.

A review process through the Clerk’s Office will be established for Class 3 notices (outlined below) to ensure conformity and consistency. The format for notices will be amended as required to meet accessibility needs such as font size, etc. All language in notices should be written to the Canadian Press Standards at a Grade 8 reading level. Corporate Communications should be consulted for further information in this regard.

Individual departments will need to establish their own standards related to informal notice and collecting information from the public for matters such as disruption to service, minor road construction/repairs, etc.

## Emergency Provision

If a matter or situation arises that, in the opinion of the Chief Administrative Officer or designate, is considered to be of an urgent or time sensitive nature, or could affect the health and well-being of the residents of the Town, or if a state of emergency is declared, or is so directed by a Provincial Ministry, the notice provisions may be waived and best efforts should be made to provide as such notice as is reasonable under the circumstances.

## **Definitions**

Notice: shall mean the circumstance in which notice will be given as well as the method by which notice will be given by the municipality, so as to provide advance knowledge of a proposed action or decision to be undertaken or made by Town Council, management or staff, to the general public or to those persons who may be affected or to an individual who may be affected, so as to increase the accountability and transparency of the municipal decision-making process.

## **Procedures**

### **NOTICE CATEGORIES**

#### General Guidelines

- all references to days are calendar days, not business days.
- direct delivery includes hand delivery, facsimile and email
- notices can be provided through multiple channels including, notice on website, newspapers (daily, weekly), radio, television, direct mailing, and location signs.

#### Class 1–Standard Council/Committee Operating Process (minimum 4 days notice)

This class refers to the normal operations of the Town of The Blue Mountains when notice is provided of upcoming Council and Committee meetings.

The foundation for this class of notice is the publication of the annual schedule of meetings and updates to the Schedule. The schedule is available on the Town's official website and is distributed in electronic or hard copy upon request. The schedule shows the time and date for each regular committee and council meeting and changes to the schedule will be made a minimum of 4 days in advance.

Notice of Council/Committee meetings where the business of the municipality is being discussed is provided through the development of agendas. Notice shall be provided a minimum of 4 days in advance of the meeting by:

- posting of the Agenda and supporting information including staff reports to the Town's website;
- direct delivery to affected individuals where they have requested to be notified of an upcoming meeting or the Town is legislatively required to provide notice.

A hard copy of the agenda for every Committee and Council meeting information can also be obtained from the Clerk's Department at 26 Bridge Street East, Thornbury, Ontario.

Notice requirements do not apply to revised or consolidated agendas.

#### Class 2 – Defined or Specific Issues (minimum 14 days notice)

The issues associated with this class of notice are more specific and affect a smaller, more contained population. These notice provisions will take into consideration difference between communities of interest, area municipalities and specific user groups. There are cases where the broad general notice may still be required but some discretion is necessary. Notice is to be more flexible and directed at affected individuals. As an example the notice provision will apply to the following but may not be limited to:

- sale of minor parcels of land;
- controlled access by-laws and amendments;
- road renaming, highway closing by-laws;
- consultation on localized road repairs where a Class Environmental assessment is not required.

A minimum of 14 days notice is required utilizing the following methods:

- direct delivery or prepaid first class mail to affected parties, that may include, but are not limited to, affected land owners/occupants, abutting land owners/occupants, license holders, stakeholders; and
- posting of notice on the Town's website, and
- fax or email to any area municipality that would be affected.
- at the discretion of the Department Head advertisement in a newspaper that is of sufficiently general circulation in the specific area

### Class 3 – Major Issues (minimum 21 days notice)

The issues associated with this class have a significant impact on the community. This notice shall meet the broadest audience as the topics may be of interest to the Town as a whole. It is important to allow sufficient time for the public to respond to these major issues. Notice provisions will apply to the following:

- consulting with the public on the development of new and amending Council policies under the *Municipal Act*;
- consulting with the public on the development of new regulatory by-laws and amendments to those regulatory by-laws that affect general population i.e. amendment to pesticide or smoking by-laws;
- amendments to procedural by-law;
- proposed changes to governance structure (e.g. change of municipality name, change in size of Council);
- approval of fees and charges by-law;
- sale of land containing buildings or the sale of land where a building permit could be acquired
- public consultation on budget priorities
- approval of the budget and any amendments resulting in an adjustment to the levy

A minimum of 21 days notice is required utilizing the following methods:

- advertising in newspapers having general circulation in the municipality (The Blue Mountains Courier Herald and Collingwood Enterprise-Bulletin will be the primary newspapers) in advance of meeting and/or passing of By-law, etc.; and

- posting of notice on the Town website in advance; and
- posting of notice in the Town Office.

#### Class 4 – Planned Service Disruptions (minimum 30 days notice)

Departments shall be responsible for establishing processes to deal with planned service interruptions. Notice of the disruption should include information about the reason for the disruption, its anticipated duration and a description of any available alternate services. A minimum of 30 days is required utilizing the following methods:

- direct delivery or pre-paid first class mail to affected parties, that may include, but are not limited to, affected land owners/occupants, abutting land owners/occupants, license holders, stakeholders; or
- posting of the information in a conspicuous place or on the premises as applicable; and
- posting of notice on the Town's website.
- Consideration should be given on whether to notify the appropriate area municipality.

#### **Exclusions**

##### Class Environmental Assessment Process

The Class Environmental Assessment process is not included in this notice policy. A separate notification and consultation process has been created for Class Environmental Assessments which will affect most major road, water and sewer construction projects.

#### **References and Related Policies**

The *Municipal Act, 2001* and Town Policies POL.COR.07.01 and POL.COR.07.02 and POL.AD.07.04 through POL.AD.07.07 inclusive, as approved, together with this Policy.

#### **Consequences of Non-Compliance**

Non-compliance with the *Municipal Act, 2001* and any other Act is subject to the remedies prescribed therein.

#### **Review Cycle**

This policy will be reviewed annually by the Senior Management Team for report to Council in open session.