



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Notice Policy & Procedure By-law Update Staff Report to Council

Report Number: 2024-01

Department(s): Legislative Services, Corporate Communications

Author(s): Sarah Niezen, Records and Projects Coordinator, Wanda Bennett, Director
Corporate Communications

Meeting Date: January 15, 2024

Recommendations

1. That the report entitled Notice Policy and Procedure By-law Update dated January 15, 2024 be received; and,
2. That the updated Notice Policy be adopted; and,
3. That the Procedure By-law amendment be adopted; and,
4. That, Council supports the resolution of the Township of McKellar, that the Provincial government make an amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication for notice requirements for all provincial acts and regulations; and,
5. That a copy of this resolution be submitted to the Minister of Municipal Affairs and Housing, Paul Calandra; Attorney General, Doug Downey; The Association of Ontario Municipalities (AMO); and all Ontario Municipalities; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide an overview of the updates to the Notice Policy, Procedure By-law, the Town's current methods of providing notice to the public and request the Province to amend the legislation to allow for greater flexibility for public notices.

Background

Section 270 (1) of the Municipal Act requires municipalities to adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public for its actions. The Town has had a Notice Policy in place since 2007, this update to the policy addresses some of the changes to how we communicate with our residents and provide notice required by various laws.

The Procedure By-law outlines how the Town provides notice for Committee of the Whole and Council meetings. The updates to the by-law address the use of the Town's newsletter and other digital communications tools to inform the public of meetings.

There are some requirements under the Planning Act, the Ontario Heritage Act, and the Municipal Act that require notice to be published in a newspaper having general circulation in the municipality.

With the announcement from Metroland Media Group that the Era is no longer being published the Town has undertaken a review of the legislated requirements for public notice and the Town's Notice Policy and Procedure By-law. Corporate Communications has developed measures for communicating statutory notices while waiting for legislative amendments (**Attachment 3 and 4**).

Discussion

The Legislation Act defines a "newspaper", in a provision requiring publication, as a document that, is printed in sheet form, published at regular intervals of a week or less and circulated to the general public, and consists primarily of news or current events of general interest ("journal").

Notice Policy Update (Attachment 1)

The Notice Policy has been updated to reflect the new ways residents are receiving information and communicating with the Town. The policy has been updated to list only those matters with legislated notice requirements and identify how the Town intends to meet the spirit of the legislation. Updates also include a new definition of Digital Newsletter.

Procedure By-law Update (Attachment 2)

The proposed amendments to the Procedure by-law update the notice provisions for meetings. The Town's primary method of notice continues to be the use of the Town website. The Town's E-Newsletter called Newmarket Now will be the secondary means of communicating information of meetings. All references to the Town page have been removed from the by-law.

Communication Options

Corporate Communications has prepared some information on tactics for communicating notices to the public (**Attachment 3**). The options for meeting our statutory obligations have been thoroughly reviewed and there is currently no local newspaper that meets the definition of a “newspaper” under the Legislation Act.

Conclusion

With no newspaper meeting this definition in circulation the Town cannot comply with the current legislation. This past Fall several municipalities including Port Colborne, Puslinch and Plympton-Wyoming supported a resolution sent by the Township of McKellar to the Minister of Municipal Affairs and Housing requesting changes to the Legislation Act, 2006 (see **Attachment 5**). Staff would like to support this resolution and request Council endorsement of this resolution. If adopted Staff will send a letter to the province indicating our support of the original resolution.

Staff have made administrative changes to both the Notice Policy and Procedure By-law and thoroughly reviewed all currently available communication options. Staff are recommending we continue using our current tactics for communicating with the public while increasing the visibility of information about statutory public meetings on the website and increasing our advertising with Newmarket Today. Corporate Communications will continue to review our communication tactics and may conduct a community survey to gain an understanding of how the community wishes to receive information about Town initiatives following the change in landscape and shift in habits coming out of the pandemic.

Business Plan and Strategic Plan Linkages

This report relates to the Town’s Vision of being well-equipped and managed.

Consultation

Legislative Services, Corporate Communications, Financial Services, Planning and Building Services were all consulted on the Notice Policy and Report.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Attachment 1 – Notice Policy

Attachment 2 – Procedure By-law amendment

Attachment 3 – Statutory Public Notices - Tactics to Give Notice

Attachment 4 - Notices to the Public: Communication Options

Attachment 5 – Township of McKellar - RE: Call for an Amendment to the Legislation Act, 2006

Approval

Kiran Saini, Acting Director of Legislative Services

Wanda Bennett, Director of Corporate Communications

Karthik Venkataraman, Acting Commissioner of Corporate Services

Ian McDougall, Chief Administrative Officer

Contact

Sarah Niezen, Records & Project Coordinator, sniezen@newmarket.ca,

Wanda Bennett, Director of Corporate Communications, wbennett@newmarket.ca