



**CITY OF HAMILTON**  
**CORPORATE SERVICES**  
*Office of the City Clerk*

<b>TO:</b>	Chair and Members of the Governance Review Sub-Committee
<b>COMMITTEE DATE:</b>	August 29, 2018
<b>SUBJECT/REPORT NO:</b>	Hamilton Public Notice Policy By-law CL18012/LS18051
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon, Acting City Clerk and Stacey Wells, Solicitor
<b>SUBMITTED BY:</b>	Janet Pilon Acting City Clerk  Nicole Auty City Solicitor

**RECOMMENDATION**

- (a) That the Hamilton Public Notice Policy By-law, attached as Appendix “A” to Report CL18009/LS18051, be passed and enacted to come into force on January 1, 2019.
- (b) That Council repeal the Public Notice Policy By-law, being By-law No. 07-351 effective January 1, 2019.

**EXECUTIVE SUMMARY**

The City currently has a Public Notice Policy By-law, being By-law No. 07-351, however, it requires updating. Appendix “A”, attached to Report CL18009/LS18051, is a revised by-law, to be enacted and passed as a Public Notice Policy in accordance with paragraph 270(1)4 of the *Municipal Act, 2001*. The revised by-law continues to set out the minimum standards for notice and also sets out the form, duration and manner in which notice will be provided, which in most instances will be on the City’s website, except where required otherwise by law.

Since the publishing of notices on the City’s website is a change to the City’s current practice, the by-law also includes a provision that would require the Clerk to publish notice in a local newspaper providing information on how to access the City’s Website to locate public notices and the related City documents such as a report or a by-law at least once a year.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

Financial: The costs associated with providing notice to the public will be significantly reduced through the publishing of notices on the City's website. There will be no costs associated with the creation of a new webpage for Public Notices as the required functionality is already available.

Staffing: Digital Communications are prepared to make the necessary changes to the City's website for the publishing of notices. Departmental staff will be informed of the process for submitting requests for the publication of notices on the City's website, as per Appendix "A".

Legal: Paragraph 270(1)4 of the *Municipal Act, 2001* requires the municipality to adopt a policy respecting the circumstances in which notice will be provided to the public. Legal Services has prepared the Hamilton Public Notice Policy By-law for the Committee's consideration.

## **HISTORICAL BACKGROUND (Chronology of events)**

The City's current Public Notice Policy By-law (07-351) was approved in 2007 and sets out the form and manner in which notice is provided, which in most instances is by publication in the newspaper.

Upon a review of the costs associated with notices that were published in the newspaper from January 1, 2014 to July 31, 2018, staff have determined that the City has spent approximately \$697,000 during that period.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Paragraph 270(1)4 of the *Municipal Act, 2001* provides that the City of Hamilton shall adopt and maintain a policy with respect to the circumstances in which it shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.

## **RELEVANT CONSULTATION**

Departmental staff who are responsible for the publishing of notices were consulted and their comments have been incorporated into the proposed by-law, attached as Appendix "A".

Digital Communications will be enhancing the existing page for Public Meetings & Consultations that was established in March 2015. Located at <https://www.hamilton.ca/government-information/news-centre/public-meetings-consultations>. The page will be renamed "Public Meetings & Notices" to reflect the addition of notices.

The Public Meetings calendar is a service currently available on CityApp. Staff will also update the title to “Public Meetings & Notices” to stay consistent with the website.

Functionality on web and app is currently available and therefore no additional expenditures would be necessary to launch this for January 2019.

Digital Communications will work with IT staff on changes to the submit requests workflow to improve automation and reduce staff intervention. Staff will submit requests via electronic form with standardized form fields to maintain quality and consistency across all entries.

Digital Communications will work with Social Media & Marketing staff to help promote and increase visibility to residents across the City’s social media channels as well as promotion of hamilton.ca homepage.

Hard copies of notices will be made available in the Clerk’s Office, by request and when the website is not available.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**  
**(Include Performance Measurement/Benchmarking Data if applicable)**

As newspaper readership declines and more and more residents opt for digital sources of information, staff feel it is appropriate to move away from publication of notices in the newspaper, except where required by law, and move towards publication of notices in digital environments such as on the City’s website and App.

Many of our municipal comparators have moved towards publication of notices on their website, either exclusively or in conjunction with optional or mandatory newspaper publication.

Changes to the *Municipal Act* over the years have resulted in more discretion to municipalities in terms of when public notice should be given, as well as the form and manner in which notice is provided. As such, the City has the opportunity to opt for publishing notices on the website and implementing that process will reduce advertising costs substantially.

The new Public Notice Policy By-law will continue to require compliance with all legislated requirements but will provide greater flexibility to the municipality by allowing notice to be given on the City’s website. Moreover, while the By-law prescribes minimum requirements respecting public notice, Council can always direct staff to provide extended notice and Staff can also exercise their discretion to provide extended notice where circumstances warrant.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

**APPENDICES AND SCHEDULES ATTACHED**

**Appendix “A” – Hamilton Public Notice Policy By-law**