



**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>	November 17, 2023
<b>SUBJECT/REPORT NO:</b>	Hamilton Public Notice Policy By-law FCS23080(a)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon, (905) 546-2424 Ext. 4304
<b>SUBMITTED BY:</b>	 Janet Pilon Acting City Clerk

**RECOMMENDATION**

That the Hamilton Public Notice Policy By-law, attached as Appendix “A” to Report FCS23080(a), be passed and enacted.

**EXECUTIVE SUMMARY**

On July 5, 2023, the Governance Review Sub-Committee referred Report FCS23080 respecting the Hamilton Public Notice Policy By-law back to staff to prepare a version of the by-law that illustrates the revisions being made.

As per Committee’s direction, staff have prepared Appendix “B”, which illustrates the proposed revisions to the notice provisions as set out in Schedule “A” to By-law No. 07-351, A By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice (in force and effect since January 1, 2008) and Appendix “C”, which illustrates the revisions being made to the body of the By-law.

Communications, Clerks and Information Technology staff were also directed to provide and promote the mechanism for the public to be notified respecting notices and changes to By-Laws.

On October 10, 2023, Communications announced a [newsletter service](#) allowing residents to have City updates delivered directly to their inboxes.

This service, listed as the number one way residents wanted to receive information in the recent citizen survey, will allow residents to receive regularly scheduled updates (weekly or monthly) on a number of topics, including:

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

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- Updates about the City's transit system
- City news updates
- Council and Committee Updates (directly sends links to Council and Committee agendas to subscribers)
- Employment opportunities, as well as event listings.

Communications will also make available a notice/alert subscription list where residents can receive real-time notices related to emergencies, weather, public notices, service disruptions, road closures, etc.

The City's existing Public Notice Policy By-law, being By-law No. 07-351 (the "**Public Notice By-law**") was enacted in 2007 and has not been amended since that time. The Public Notice By-law requires modernizing to reflect current methods of providing notification. Attached as Appendix 'A', to Report FCS23080, is a revised Public Notice By-law (the "**Revised Public Notice By-law**") which continues to set out the minimum standards for public 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 public notices on the City's website is a change to the City's current practice, the Revised Public Notice By-law also includes a requirement that the Clerk publish 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 annually.

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

Financial: The costs associated with providing public notice as required under the Public Notice By-law will be significantly reduced through the publishing of notices on the City's website as proposed by the Revised Public Notice By-law.

Staffing: Staff will be advised of the changes in the current process.

Legal: Legal Services has prepared the Revised Public Notice By-law for the Committee's consideration.

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

The City's current Public Notice By-law was approved in 2007 and sets out the form and manner in which public notice is provided, which in most instances, is by publication in the newspaper. The Public Notice By-law has not been amended or updated since its enactment in 2007.

On August 29, 2018, the Governance Review Sub-Committee considered Report CL18012/LS18051 respecting the Hamilton Public Notice Policy By-law and referred it

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back to staff for further information respecting the costs associated with the notices that the City is not required to advertise for in the newspaper.

On July 5, 2023, the Governance Review Sub-Committee was advised that between 2018 and June 23, 2023, the City published notices totalling approximately \$763,265 in the newspaper. Staff have determined that savings could be achieved by eliminating newspaper notices where there is no legal requirement to advertise in that manner. By way of example, notices respecting amendments to the Procedural By-law alone, which were not required to be published in the newspaper, were published at a cost to the City of \$18,592 (for 20 public notices). Dispensing with newspaper publication except where legislation requires it, would generate significant savings in the future.

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Paragraph 270(1)4 of the *Municipal Act* 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 Revised Public Notice By-law, attached as Appendix "A".

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

As hardcopy 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 where public notices can be obtained without any cost to the reader.

Many municipalities in Ontario (i.e. Burlington; Oakville; Toronto; Mississauga; London and Kingston) 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* and the *Ontario Heritage Act*, since 2007 when the City's existing Public Notice By-law was enacted 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 can opt to publish public notices on its website and implementing such a process will reduce advertising costs substantially.

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The proposed Revised Public Notice 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 [Public Notices | City of Hamilton](#) and through the [Council and Committee Meetings](#) page. Moreover, while the Revised Public Notice By-law prescribes minimum requirements respecting public notice, Council can always direct staff to provide extended notice (including notice in the newspaper) and staff can also exercise their discretion to provide extended notice where circumstances warrant.

Staff currently submit requests for uploading public notices to the City's website via an electronic form with standardized form fields to maintain quality and consistency across all entries.

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

**APPENDICES AND SCHEDULES ATTACHED**

**Appendix "A"** – Hamilton Public Notice Policy By-law

**Appendix "B"** - Comparison of the Public Notice Required in By-Law 07-351 (Schedule A to By-Law 07-351) and the Proposed Hamilton Public Notice Policy By-law (Appendix "A" to this report)

**Appendix "C"** – Comparison of Body of By-law 07-351 and Appendix "A" to this report