



Public Notice & Public Notice Policy

April 2008

WHAT DO THE PUBLIC NOTICE PROVISIONS DO?

The public notice provisions contained in *The Municipalities Act* (MA) essentially do two things:

1. Require councils to provide public notice before dealing with certain matters as opposed to legislative limitations or prescription regarding these matters; and
2. Allow councils to determine the type and form of public notice for each matter through its public notice policy which must be adopted by bylaw.

RESPONSIBILITY OF COUNCIL

Under Section 128 of the MA council must give public notice before initially considering any report respecting certain matters contained in the legislation. Notice is provided in the manner specified in the municipality's public notice policy bylaw.

CONTENTS OF PUBLIC NOTICE POLICY BYLAW

Pursuant to subsection 128(3) of the MA a council shall, by bylaw, adopt a public notice policy, that sets out, with respect to any class or subclass of matters with respect to which public notice is, by this Act, to be given pursuant to this section:

- (a) the minimum notice requirements;
- (b) the methods of notice to be followed; and
- (c) any prescribed matters.

Unless a longer time is specified, public notice must be given at least seven days before the council meeting at which the matter for which public notice is required is to be considered.

BENEFITS

The public notice policy allows a council to choose more appropriate, more effective and potentially less expensive methods of providing public notice for these matters and any others for which council chooses to give extra notice. The minimum timeframe for public notice proposed in the MA is seven days.



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The public notice policy also ensures that the notice people can expect for these matters is standardized and not made on a case-by-case basis. However, different municipalities could employ different practices for the same matters. For example, similar provisions exist under *The Cities Act*, and several cities have policies involving 10 days posting at the municipal office and advertising in 2 weekly editions of the local newspaper for all matters requiring public notice. Other cities follow a policy of providing 7 days notice using three methods: newspaper, website and posting at the municipal office. Some cities also provide extra notice for matters such as levying special taxes and prohibiting businesses by mailing notice to all affected parties.

WHAT ISSUES REQUIRE PUBLIC NOTICE?

Public notice is required before a council proposes to deal with the following matters:

- *respecting the consideration of any report to close and lease or close and sell a municipal street or road (subsection 13(4));*
- *disposal of public land used for park purposes (subsection 48(2))*
- *respecting a petition for a public meeting with respect to a municipal restructuring, establishing an organized hamlet or incorporating a resort village or village (section 56) (Council and administrators shall note that the public notice requirement for municipalities in these instances is publication in a newspaper at least once a week for 2 consecutive weeks as well as mailed notice to all persons and council members of other municipalities who are affected as a result of the proposed restructuring, the proposed establishment of an organized hamlet or the proposed incorporation of a resort village or village);*
- *respecting the consideration of any report to increase/decrease the number of councillors in a municipality (subsection 80(4));*
- *respecting the initial consideration to divide the municipality into wards (subsection 83(3));*
- *respecting the report completed by the wards commission with respect to the establishment of boundaries is completed and open for public inspection at the municipal office during normal business hours (subsection 87(3));*
- *respecting councils' power or duty to hold a public hearing and decide a matter after a public hearing, pursuant to this or any other Act (subsection 128(1));*
- *respecting councils' power to borrow money, lend money or guarantee the repayment of a loan (subsection 128(1));*
- *respecting councils' power to establish a purchasing policy (subsection 128(1));*
- *respecting the sale or lease of land for less than fair market value and without a public offering (subsection 128(1));*
- *respecting the sale or lease of mines and minerals owned by a municipality (subsection 128(1));*
- *its power to set the remuneration for members of council and for members of council committees and other bodies established by the council (subsection 128(1));*
- *respecting councils' power to establish a business improvement district (subsection 128(1));*
- *respecting councils' power to prohibit or limit the operation of a business or class of business (subsection 128(1));*



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- *respecting the amendment or repeal of referendum bylaws or resolutions (the MA requires that public notice must be given 21 days in advance before the proposed amendment or repeal of a referendum bylaw or resolution) (subsection 140(2));*
- *respecting notice for a public meeting of the voters (section 129)*
- *respecting the consideration of any report with respect to special taxes (subsection 312(3); and*
- *respecting where any excess revenue generated from special taxes will be put (subsection 315(2)).*

This is intended to balance enhanced corporate or natural person powers and ensure the public is aware of what a council or administration is doing regarding these matters and choose to participate in whatever fashion they feel is appropriate such as attending the council meeting or making a delegation to council.