

POL.COR.24.XX

Provision of Notice and Manner of Giving Notice to the Public Policy



# Policy

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## Provision of Notice and Manner of Giving Notice to the Public Policy

**Policy Type:** Corporate Policy (Approved by Council)

**Date Approved:** Month, Day, 2024

**Department:** Administration

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**By-Law No.:** 2024-XX

### Policy Statement

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The Town of The Blue Mountains will ensure transparent and effective communications between the Town and its residents, businesses, and stakeholders. As per Section 270(1)(4) of the *Municipal Act, 2001*, the Policy aims to establish clear guidelines and procedures for providing timely and accessible notices regarding Town business. The Notice Policy will facilitate transparent, inclusive, and proactive communication, allowing the Town to inform, engage, and involve its stakeholders in the decisions that affect the Town.

### Purpose

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As required by Section 270 of the *Municipal Act, 2001*, the Town of The Blue Mountains shall adopt and maintain a policy with respect to the circumstances in which the Town shall provide notice to the public, and if notice is to be provided, the form, manner and times notice shall be given.

The Policy includes procedures for providing formal Public Notice as related to Section 270 of the *Municipal Act, 2001*, and for general Public Notice as related to the Town's commitment to proactive public engagement.

In addition, this Policy is intended to ensure that Public Notice is provided based on the following principles:

- a) Residents and stakeholders should be aware what, when and where the business of the Municipality is being discussed;
- b) Residents and stakeholders should be aware when the business being discussed will have an impact on them; and

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- c) Residents and stakeholders should have adequate time to submit or provide written/verbal comments and/or deputation materials.

## Definitions

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**Act:** shall mean the Municipal Act, 2001, S.O. 2001, c.25.

**Clerk:** shall mean the Clerk of The Corporation of The Town of The Blue Mountains.

**Council:** shall mean the current elected Council for The Corporation of the Town of The Blue Mountains.

**Day(s):** shall mean calendar days, not business days.

**Municipality or Town:** shall mean The Corporation of the Town of The Blue Mountains and represent the entirety of Council, Town Staff, and Local Boards as defined in subsection 269(1) of the *Municipal Act, 2001*.

**Newspaper:** shall mean the definition of a newspaper as defined within the Legislation Act, 2006 s. 87.

**Notice Period:** shall mean the duration or length of the Notice provided in advance to the general public or to those persons who may be affected by a proposed action or decision to be undertaken or made by Council.

**Policy:** shall mean the Town of The Blue Mountains "Notice Policy".

**Public Information Centre:** shall mean an informal open meeting in which all members of the public are invited to discuss a specific matter. A Public Information Centre may be held to share relevant information, gather feedback from the public, facilitate open communication and ensure transparency in the decision-making process.

**Public Meeting:** shall mean a Public Meeting under the Municipal Act, 2001, as amended, or the Planning Act, or any other statute that requires or permits Council to hold a Public Meeting; and, is a meeting held primarily for the purpose of consulting with the public and hearing representations on a subject matter within the authority or jurisdiction of the Council of the Town of The Blue Mountains.

**Public Notice or 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 Council, or Staff, to the general public or to those persons who may be affected, so as to increase the accountability and transparency of the municipal decision-making process.

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**Social Media:** shall mean the official Social Media accounts for the Town of The Blue Mountains.

**Staff or Town Staff:** shall mean the employees of The Corporation of the Town of The Blue Mountains.

**Town Business:** shall mean all general business of The Corporation of the Town of The Blue Mountains, including but not limited to standard activities and operations.

**Website:** shall mean the official Town of The Blue Mountains website ([www.thebluemountains.ca](http://www.thebluemountains.ca)).

## Application

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1. This Policy applies to the actions or decisions to be undertaken or made by the Town of The Blue Mountains, including all actions requiring Public Notice undertaken or made by Town Council, Town Staff, Committees of Council and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the “Town” or “Municipality”, for the purpose of providing accountability and transparency in the Town’s decision-making process and its actions.
2. This Policy applies to matters outlined within this Policy unless:
  - a) The Act or any other legislation requires Notice to be provided otherwise, in which case Notice will be provided as prescribed by that legislation;
  - b) Council directs that some other form and manner of Notice is to be provided, in which case Notice shall be provided as directed by Council resolution
3. The form, manner and Notice Period as outlined in this Policy shall be considered to be the minimum requirement.
4. Notice provided on the Town Website under this Policy shall be considered sufficient Notice even if the website is not accessible at all times during the Notice Period.
5. Unless otherwise prescribed, where Notice is to be provided to an individual, an agency or other level of government by regular mail, Notice will be considered to be given seven days from the date of mailing.
6. Nothing in this Policy shall prevent the use of more extensive methods of Notice or for providing for a longer Notice Period.
7. Where provisions of this Policy may conflict with provisions of another policy or by-law this Policy shall prevail.

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8. Exclusive use of any form of Social Media shall not constitute Public Notice for the purposes of meeting the requirements of this Policy.
9. Where a Public Information Centre is held at the direction of Council or Town Staff, the minimum Notice Period shall be 14 days and advertised following the manners outlined in Class 2 – Defined or Specific Items/Issues.
10. If there are no newspapers that meet the definition of a newspaper as defined within the Legislation Act, 2006 s. 87, then the Town shall, at the discretion of the Town Clerk, advertise the matter in a newspaper that does not meet the definition but has general circulation within the Municipality.
11. Planning and Development projects within the Municipality must meet the minimum requirements of the *Planning Act* and other applicable legislation. For matters related to planning and development projects that are outside of the public notice requirements of the *Planning Act* or other applicable legislation, the notice requirements of Class 2 – Defined or Specific Items/Issues of this policy shall be followed.
12. This Policy is not intended to apply to standalone operational notices or other matters of Town business that are deemed at the direction of the Communications Department, to not reach the threshold of requiring formal public notice. Examples may include but are not limited to: Notice of Town Hall Closures for Public Holidays, Seasonal Facility Closures, Community Improvement Plan Applications, Bid Advertising, Volunteer Recognition Award Nominations, etc. In these instances, a topic specific communication plan is created and implemented by the Town's Communications Department to suit the nature and intent of the matter in keeping with the standards and principles of the Town's Communications Strategy.

## Procedures

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### General Guidelines

- a) all references to days are calendar days, not business days;
- b) direct delivery includes hand delivery, facsimile and email; and
- c) notice can be provided through multiple channels such as notice on website, newspapers, radio, television, direct mailing, and location signage.

In all instances when issuing a Public Notice, the Town should strive to meet the following guidelines:

- Ensure that Public Notice be provided as soon as possible;

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- Ensure that the Public Notice be distributed to the broadest possible audience or the appropriate specific audience that is impacted;
- Ensure that Public Notice is provided in a variety of manners;
- Ensure that Public Notice is provided using easy to understand plain language with the focus of being open, inclusive and respectful to all residents and stakeholders;

### **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 much notice as is reasonable under the circumstances.

In the event that Public Notice has not been provided in accordance with this policy, the omission of such notice shall not invalidate any actions taken. In the case of an omission, the Town will provide Public Notice through all appropriate channels as soon as possible.

The Town shall not be held responsible for any failure to provide Public Notice if such failure is caused by factors beyond its control, including but not limited to power outages, electronic communication failures, Acts of God, or emergency situations.

### **Public Notice Format**

Public Notice provided under this Policy shall be issued on the approved Town branded template and include the following information (as applicable):

- a) A general description of the matter or summary of the Notice;
- b) Where the matter relates to a defined location, sufficient particulars of the location (i.e., municipal address, legal description, key map, etc.);
- c) The date, time and location of the meeting at which the matter will be discussed;
- d) The purpose of the meeting for which the Public Notice is required;
- e) If applicable, appeal rights under the *Planning Act*, or any other legislation;
- f) Identification of the authority under which the Public Notice is being given;
- g) Instructions, including contact information for submitting written comments and deadline for the same and meeting details where public input is permitted;
- h) Contact information for obtaining additional information/clarification;

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- i) Contact information for obtaining the notice in an accessible manner;
- j) Any additional information deemed appropriate or required.

A standard public notice template will be maintained by the Communications Department to ensure consistency when sharing information with residents and stakeholders.

### **Principles of the Communications Strategy**

The Town's Communications Strategy is intended to be used a resource to support the minimum notification activities and actions as required under this Public Notice Policy.

The Communications Strategy encourages a commitment to engaging and listening to all residents and stakeholders, including full-time, part-time, seasonal, rural and urban, through a respectful, informed and ongoing dialogue. The strategy references that in all instances the Town should endeavour to use a number of communication tools and platforms to meet the diverse needs of residents and stakeholders. The list of tools currently being employed includes but is not limited to:

- Newspaper Advertisements
- Email and Print Newsletters
- Municipal Information Guide
- TV Screens
- Tax Bill Newsletter
- Direct Mail
- Digital Advertising
- Hand Delivered Notices
- Press Releases Roadside Signage
- Town Hall Meetings
- Town Website
- Public Information Centres
- Public Meetings
- Social Media
- Surveys and Polls
- Focus Groups and Workshops

### **Notice Categories**

Four notice categories have been established to help group common aspects of Town business and operations. A summary of each class and relevant examples are included in the following chart.

It is important to note that the chart outlines the **minimum** notification requirements related to each Class. In all instances, every project and communications activity will be supported by the Town's Communications Department. Following the principles of the Communications Strategy, all communication efforts will include a varied use of communication tools including online and traditional methods and will strive to maximize public reach and engagement as appropriate.

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<b>Class</b>	<b>Description</b>	<b>Examples</b>
<b>Class 1: Meetings of Council and Committees</b>	Refers to notice of scheduled and upcoming Council and Committee meetings	Scheduled Council and Committee meetings
<b>Class 2: Defined or Specific Items/Issues</b>	Refers to notice related to Town business that is associated within a localized geographical area and that impacts a more contained population or a specific user group.	Localized road works Temporary/Planned service interruptions Noise by-law exemptions Tree clearing activities Facility specific user surveys
<b>Class 3: Broad Community Items/Issues</b>	Refers to notice related to Town business that has an impact on the broader community.	Strategic plan and master plans Public surveys
<b>Class 4: Public Meetings</b>	Refers specifically to notice for matters in which there is a legislative requirement to hold a Public Meeting.	Public Meetings as required under the Planning Act, Municipal Act, etc.

**Class 1 – Meetings of Council and Committees**

Class 1 refers specifically to providing notice of regularly scheduled and upcoming Council and Committee meetings.

The foundation for this class is the publication of the annual Council and Committee meeting schedule and updates to the schedule. The meeting schedule shall be posted to the Town website and distributed in electronic or hard copy upon request. The schedule shall show the time and date for each regular Council and Committee meeting and changes to the schedule will be made a minimum of 4 days in advance.

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

- Posting of the agenda and supporting information including staff reports to the Town website; and

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- Direct delivery of the agenda and supporting information to affected individuals where they have requested to be notified of an upcoming meeting or where the Town is legislatively required to provide notice.

The notice requirements listed above do not apply to revised, consolidated or special meeting agendas.

**Class 2 – Defined or Specific Items/Issues**

Class 2 refers to notice related to Town business that is associated within a specific geographical area and that impacts a more contained population or a specific user group.

The notice provided within this class shall consider the interest(s) of specific user groups and directly impacted individuals and/or stakeholders. Notice shall be provided through the form of a letter on an approved Town branded template.

Examples related to this class include but are not limited to:

- controlled access by-laws and amendments;
- road renaming, highway closing by-laws;
- localized capital infrastructure project where a Class Environmental assessment is not required; and
- matters related to planning and development projects.

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

- Direct delivery or prepaid mail to affected parties, that may include, but are not limited to affected land owners/occupants, abutting land owners/occupants, license holders, stakeholders;
- Posting of notice on the Town's website;
- Notice provided to any area municipality that would be affected;
- At the discretion of the Department Director, advertised in newspaper that meets the definition of a newspaper as defined within the Legislation Act, 2006 s. 87; and
- At the discretion of the Department Director, signage shall be posted on or near the affected property using an approved Town branded template.

\*Despite the specific focus of this class, there may be cases where broad general notice may be suitable and/or required; therefore, discretion and consultation with the Communications Department is required.



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**Class 3 – Broad Community Items/Issues**

Class 3 refers to notice related to Town business that has an impact on the broader community.

The notice provided within this class shall be provided to reach a broad audience and allow for sufficient time for the public to respond to these major items/issues. Refer to Class 4 for matters in which there is a legislative requirement to hold a Public Meeting.

At the direction of Council or Town Staff, a Public Information Centre may be held to receive public input on matters related to this class. For details regarding Public Information Centres, refer to the Application section of this document.

Examples related to this class include but are not be limited to:

- The creation, revisions and/or updates to all strategic plans and master plans; and
- Broad public surveys with general interest topics.

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

- Notice shall be posted to the Town website through the form of a press release;
- A dedicated project webpage shall be created on the Town website;
- Information related to the project shall be promoted on Town's social media accounts and included in the monthly e-newsletter;
- Notice shall be advertised in newspaper(s) that meets the definition of a newspaper as defined within the Legislation Act, 2006 s. 87.; and
- At the discretion of the Department Director, signage shall be posted on or near the affected property or area using an approved Town branded template.

In addition to the required communication activities listed above, specific communication campaigns will be developed by the Communications Department in consultation with the Department Director and/or project lead for all matters within this class. The communication campaigns will follow the principles of the Town's Communications Strategy and endeavour to use a mix and variety of communication tools including online and traditional methods and will strive to maximize public reach and engagement as appropriate.

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**Class 4 – Public Meetings**

Class 4 refers specifically to notice for matters in which there is a legislative requirement to hold a Public Meeting.

If the Public Meeting is held as a legislative requirement, then the provisions of the legislation shall be followed. If the Public Meeting is non-legislative and held at the direction of Town Council or staff, then the notice requirements of this class shall be followed.

The issues associated with this class may have a significant impact on the broader community. Notice shall be provided to reach a broad audience and allow for sufficient time for the public to respond to these major issues.

At the direction of Council or Town Staff, a Public Information Centre may be held to receive public input on matters in advance of the Public Meeting. For details regarding Public Information Centres, refer to the Application section of this document.

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; and
- 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:

- The Notice of Public Meeting shall be affixed to the “Town Information” bulletin board located in the public lobby at the Town of The Blue Mountains Town Hall;
- The Notice of Public Meeting shall be posted to the Town website; and

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- The Notice of Public Meeting shall be direct mailed to those that requested to be notified and to neighbouring properties as required by the Planning Act and any other Legislation, Act or Regulation;
- The Notice of Public Meeting shall be advertised in newspaper(s) that meets the definition of a newspaper as defined within the Legislation Act, 2006 s. 87; and
- At the discretion of the Department Director, signage shall be posted on or near the affected property using an approved Town branded template, with signage updated following the Public Meeting stating when the meeting was held.

## Exclusions

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1. Class Environmental Assessment Process under the *Environmental Assessment Act, R.S.O. 1990, Chapter E.18.*

The Class Environmental Assessment process is not included in this Policy. The requirements for notice under the Environmental Assessment Act will be followed as it relates to most major road, water and sewer construction projects.

2. POL.COR.22.02 Hiring of Employees Policy.

## References and Related Policies

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The *Municipal Act, 2001, Planning Act* and Town Policies POL.COR.07.01 Accountability and Transparency Policy, and the POL.COR.07.02 Sale and Other Disposition of Land Policy, as approved.

## Consequences of Non-Compliance

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

## Review Cycle

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This Policy will be reviewed once per term of Council by the Senior Management Team for report to Council in open session.