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REPORT TO GOVERNANCE COMMITTEE MEETING OF WEDNESDAY, AUGUST 02, 2023

SUBJECT **Bylaw No. 4556: Capital Regional District Public Notice Bylaw No. 1, 2023**

ISSUE SUMMARY

To consider the adoption of a public notice bylaw specifying two means of publication for statutorily required public notices.

BACKGROUND

When the *Local Government Act (LGA)* or the *Community Charter (Charter)* requires the CRD to provide advance public notice of a matter of public interest, the CRD follows the *Charter's* default procedure of publishing a notice in a newspaper for two consecutive weeks. Recent amendments to the *LGA* and *Charter* enable the CRD to adopt a public notice bylaw specifying alternative means of publishing public notice.

At its meeting of April 12, 2023, the CRD Board directed staff to report back through the Governance Committee on options for a public notice bylaw and policy.

The proposed Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" (Appendix A) specifies two means of publication for statutorily required public notices:

- (a) one time in a print newspaper or print periodical distributed in the area affected by the subject matter of the notice; and
- (b) one time on the Capital Regional District website.

If adopted, the proposed Bylaw would come into effect on January 1, 2024.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" be introduced and read a first, second, and third time;
2. That Bylaw No. 4556 be adopted.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:

That staff report back through the Governance Committee on other options for a public notice bylaw and policy.

IMPLICATIONS

Implications of Alternative 1

Consideration of the principles for effective public notice

The *Public Notice Regulation (Regulation)* (Appendix B) provides that, before adopting a public

notice bylaw, the Board must consider the following principles for effective public notice: the proposed means of publication should be reliable, suitable for providing notices, and accessible (the “Principles”).

The CRD may specify any means of publication, provided that the Board considers the Principles before adopting the bylaw.

The table at Appendix C provides staff’s assessment of how the two recommended means of publication specified in Bylaw No. 4556—one time in a print newspaper or periodical and one time on the CRD website —meet the standards set by the Regulation.

Policy Implications

Staff have prepared an administrative Public Notice Policy (the “Policy”) (Appendix D) intended to ensure that community members are informed of matters of public interest and that the CRD is complying with statutory requirements for providing public notice.

The proposed Policy provides guidance on the choice of a print publication for a public notice:

- if the entire capital region is affected by the subject matter of the notice, then the notice must be published in a print newspaper with regional distribution;
- if the area affected is sub-regional or local, then the staff member can choose to publish in a print newspaper or periodical with more localized distribution (if the required timelines can be met). The reference to “periodical” in the bylaw is intended to broaden the type of publications staff can consider for public notice in remote areas, such as local community newsletters or magazines.

This Policy will require operational staff to coordinate with Corporate Communications to select the most appropriate print publication based on the subject matter of the notice, the area affected by the notice, and timing constraints.

Additionally, the Policy directs staff:

- on the procedure for collaborating on publications with Corporate Communications;
- to consider additional notices for smaller communities that use other means to spread local news, such as public notice boards, bulletin boards at community halls, etc.;
- to consider collaborating with Corporate Communications on social media posts to raise awareness of the activity, in accordance with the CRD’s social media policy; and
- to retain records pertinent to the posting of the public notice.

The Policy is being presented to the Board for information in this report to demonstrate how staff intend to implement the public notice bylaw. In accordance with the CRD Policy Management Framework, staff propose that the Policy will be an Administrative Policy, rather than a Board Policy, as it provides internal direction across departments and assists staff in operating within current legislation. Assuming the Board adopts the Public Notice Bylaw, the Policy would be finalized, adopted, and amended as needed by the Chief Administrative Officer. The Policy would be owned and monitored by Corporate Communications.

Alignment with Board Priorities

The proposed Bylaw and Policy would serve to foster greater civic participation among diverse community members (Initiative 5d). By requiring the posting of public notices online, the CRD’s public notices will reach a broader audience. Further, by maintaining the requirement to publish

printed ads, local newspaper readers will continue to be apprised of matters of public notice. This customized approach to public notice should reach more people across the region and cultivate greater transparency about the work of the CRD.

The Bylaw's requirement that the CRD post notices on the CRD website will ensure access to public notice for residents from the CRD's more rural areas, where newspaper circulation is less prevalent. The Policy further prompts staff to consider other means of notice, over-and-above the minimum requirements, where a local community customarily uses another forum for public information.

Financial Implications

The proposed bylaw should result in minor savings on advertising costs for the CRD, as the CRD will only be required to buy one print ad per notice rather than two.

Service Delivery Implications

The current public notice requirement of two notifications by newspaper often causes scheduling and logistical challenges. It can be challenging to track and meet the publication schedules of the various newspapers across the region while also meeting statutory deadlines. While this concern is not eliminated by the proposed Bylaw, publishing a notice in a print publication once rather than twice should ease scheduling difficulties.

The proposed Bylaw would come into effect on January 1, 2024, to allow time for staff to develop a landing page for Public Notices on the CRD website and adjust internal procedures. This approach will also allow staff to start publishing public notices to the CRD website and advertise the new feature before it becomes legally required.

Implications of Alternative 2

The Board is not required to adopt a public notice bylaw. If the Board is not satisfied with the means of publication specified in Bylaw No. 4556 or the supporting policy proposed by Alternative 1, it can choose to continue with the default method of two publications by newspaper and direct staff to report back through the Governance Committee on further options for a public notice bylaw or policy.

Staff also considered the option of developing an e-mail subscription service for public notices; however, this option would require additional website development work and would delay timelines for implementation. This is a service staff are considering offering in the future as part of a planned website redesign.

CONCLUSION

With recent legislative amendments, the Board can adopt a public notice bylaw specifying alternative means for publishing statutory public notice. Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" specifies two means of publication—one time in a newspaper or print periodical and one time on the CRD website—that are reliable, suitable for providing notices, and accessible. The Public Notice Policy complements the Bylaw and will help ensure that the CRD is informing community members of matters of public interest and complying with the legislative requirements.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023” be introduced and read a first, second, and third time;
2. That Bylaw No. 4556 be adopted.

Submitted by:	Peter Nyhuus, J.D., Legal Counsel, Legal Services & Risk Management
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ATTACHMENTS

Appendix A: Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023”

Appendix B: *Public Notice Regulation*, B.C. Reg. 52/2022

Appendix C: Table applying principles for effective public notice to Recommended Means of Publication

Appendix D: Draft Public Notice Policy