

**TO:** MAYOR & COUNCIL  
**FROM:** GENERAL MANAGER CORPORATE SERVICES  
**SUBJECT:** **BURNABY PUBLIC NOTICE BYLAW**  
**PURPOSE:** To introduce a new Public Notice Bylaw to provide for alternative means of publishing statutory public notices, as well as seek Council approval of interim alternative means of publishing statutory public notices until the new Public Notice Bylaw is adopted.

## **RECOMMENDATION**

**THAT** the publication, at the same frequency and within the same period as required for newspaper publication, of statutory notices on the City's website and through an eNewsletter (currently called CityConnect) that is published by the City and distributed through an electronic email subscription service be approved as alternative means for publishing notice to the public until a public notice bylaw is adopted; and

**THAT** the City Solicitor be authorized to bring forward the proposed Public Notice Bylaw, substantially as set out in Attachment 4 of the report titled "Burnaby Public Notice Bylaw", dated August 28, 2023, and that the bylaw be advanced to first, second and third reading.

## **EXECUTIVE SUMMARY**

Upon the cancellation of the printed edition of the local newspaper publication, Burnaby Now, and in order to meet the statutory public notice requirements for local governments required by provincial statutes, staff are proposing a Public Notice Bylaw be introduced to provide for alternative means of publishing a notice through publishing on the City's website and through an eNewsletter (currently called CityConnect) that is published by the City and distributed through an electronic email subscription service. Until a Public Notice Bylaw is adopted, Council is also requested to approve the alternative publication methods, by resolution.

## **CHIEF ADMINISTRATIVE OFFICER'S COMMENTS**

I concur with the recommendation of the General Manager Corporate Services.

### **1.0 POLICY SECTION**

The *Community Charter* (CC) and several other provincial statutes, including the *Local Government Act* (LGA), require the City to provide public notice in accordance with

section 94 [*requirements for public notice*] of the CC in respect of certain matters of public interest.

In 2021, the *Municipal Affairs Statutes Amendment Act (MASAA)* was given royal assent and provided local government Councils with the option under section 94.2 of the CC to provide, by bylaw, alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1(1)(a) and (b) of the CC., which was the previous default publication requirement.

On March 1, 2022, *Public Notice Regulation B.C. Reg. 52/2022* (Attachment 1) (Regulation) came into effect. The Regulation sets out the principles for effective public notice which a Council must consider before adopting a public notice bylaw under section 94.2 of the CC. Specifically, the Regulation requires Council to consider the following three principles:

1. the means of publication should be reliable by providing factual information, and publication should take place at least once a month or, if the means of publication is a website, the website is updated at least once a month;
2. the means of publication should be suitable for providing notices by displaying information legibly, by the required date and by allowing a person to consult a notice more than once during the notice period; and
3. the means of publication should be accessible by being directed or made available to a diverse audience or readership, and by being easily found.

Currently, the City publishes notices in accordance with the default publication requirements pursuant to section 94.1 of the CC, which requires that notice must be published in a newspaper that is distributed weekly in the area, for two consecutive weeks. Staff are now proposing a Public Notice Bylaw in response to the Burnaby Now ceasing its printed publication.

## **2.0 BACKGROUND**

At the July 25, 2022 Regular Council meeting, Council received a report for information titled “Bill 26 Amendments – Public Notice and Code of Conduct” (Attachment 2). In the report, staff recommended the continued use of the default publication requirements and advised a subsequent report would come forward after evaluating various alternatives outlined in the report.

On August 2, 2023, the *Burnaby Now*, which has been the designated local newspaper publication for the City’s public notices, provided the City of Burnaby nine (9) days’ notice that they would cease weekly printed newspaper publications as of August 11, 2023. Further, the *Tri City News* and the *New West Record*, which serve neighbouring communities including New Westminster, Coquitlam, Port Coquitlam, Port Moody, Anmore and Belcarra, also ceased publication of their print editions.

With no other freely accessible local newspaper option, staff are recommending Council adopt a Public Notice Bylaw under section 94.2 of the CC. In developing the proposed alternative means of publication, staff considered the principles under the Regulation as well as the Province of BC’s “Public Notice Guidance Materials” (Attachment 3).

Until a Public Notice Bylaw is adopted, Council is also requested to approve, by resolution, the alternative means of publication by publication on the City’s website and in an eNewsletter (currently called CityConnect) that is published by the City and distributed through an electronic email subscription service, to ensure that all ongoing business and applications that require public notice are not delayed or interrupted.

Section 94.1(3) of the CC allows Council to approve alternative means of publication when the default publication requirements are not practicable. As the *Burnaby Now* ceased its print publication on August 11, 2023, at the recommendation of the Ministry of Municipal Affairs, staff have published any required statutory notices after that date in the August 17 and 24 editions of The Province newspaper, and will continue to publish required statutory notices in The Province newspaper until Council approves alternative notice methods under section 94.1(3) of the CC or adopts a bylaw under section 94.2 of the CC.

For clarity, all statutory notices are and will continue to be posted physically in City Hall at the Public Notice Posting Place, located on the bulletin board outside of the Legislative Services office as per section 94(1)(b) of the CC.

**3.0 GENERAL INFORMATION**

The proposed Public Notice Bylaw (Attachment 4) provides for two means of publishing statutory notices:

- 1. electronically by posting the notice on the City’s website, [www.burnaby.ca](http://www.burnaby.ca); and
- 2. electronically by distributing the notice through an eNewsletter (currently called CityConnect) that is published by the City and distributed through an electronic email subscription service.

The *Public Notice Regulation*, requires Council to consider the three principles of reliability, suitability and accessibility of the proposed alternative means of publishing a notice prior to adopting a Public Notice Bylaw. Staff’s assessment of various possible methods of publication is included in “Attachment 5 - Public Notice Methods Analysis Table”. After considering the various potential alternative methods of publication, staff concluded that the City’s website and eNewsletter subscription service are the two most effective alternative methods for publishing notices under section 94 of the CC.

**Benefits of the Proposed Public Notice Bylaw**

By publishing statutory notices on the City’s official website ([www.burnaby.ca](http://www.burnaby.ca)) and in the City’s eNewsletter, the City will no longer need to rely on external paid advertising to ensure that legislative notice requirements are met. For example, there have been past

instances where local newspapers have omitted to run statutory notifications for a public hearing or delayed publication of time-sensitive notices, or even published erroneous notices thereby resulting in public confusion and delays for applications. If a statutory notice requirement is not met or a notice is published with errors due to fault of the publishing method, the City bears the impacts and must republish notices, resulting in delays for applications and business operations of the City.

Key benefits of the proposed Public Notice Bylaw alternative publication means include:

- no additional cost to the public
- anyone with access to the internet (via mobile or desktop) may view the notices, rather than only residents who read the printed newspaper
- updating and correcting information can be done immediately, without the need to wait until the publication of the next print newspaper edition
- cost savings to the City. Note: The total advertising expenditures for newspaper notices across multiple City departments for 2022 was approximately \$62,000.00

**New Means of Public Notice Publication and Frequency of Publication: Website and Email Subscription**

To implement the proposed Public Notice Bylaw, a new webpage on the City’s website will be created where all statutory notices will be published on Thursday each week. For a draft of the layout and format of this page, please see the Proposed Burnaby.ca Notice Page Draft (Attachment 6). The current Burnaby eNewsletter, called CityConnect, would also contain the notices and would link readers to the proposed Public Notices webpage.

Under the default publication requirements of section 94.1 of the CC, public notice must be published once each week for two consecutive weeks. Following adoption of the Public Notice Bylaw, and unless otherwise required under the CC or another Act, the City would only be required to publish a public notice once at least seven (7) days before the date of the matter for which notice is required. This does not preclude the City from continuing its past (default) practice of publishing a notice once each week for two consecutive weeks (so long as one of those notices is published at least 7 days before the reference date) but doing so would be a proactive choice rather than a legislative requirement.

**Additional Communications Options for Public Notices (as needed)**

The two methods for public notice publication set out in the proposed Public Notice Bylaw are the two methods that must be used for all statutory notices. It should be noted that the City may, depending on the circumstances, also use other additional methods to supplement the two required methods of publication. Staff would not recommend adding any additional publication methods to the proposed Public Notice Bylaw as that would require those methods be used for all statutory notices, which is not practicable or advisable given the frequency, complexity, and nature of statutory notices.

The Marketing and Corporate Communications department provides an extensive suite of communication and engagement services to staff, which would be considered, applied and used depending on the nature of each notice item. Additional communication methods would be used to complement the required notice publications on the website and through the City’s email subscription service, when advisable. Specifically, additional communication methods include but are not limited to:

- organic social media posts on City of Burnaby channels
- digital advertising including boosted social media posts
- presentations, reports and discussions at Council and Committee meetings
- posters and other print materials distributed at community and recreation centres
- signage (on development sites)
- printed information mail outs to residents’ addresses

**Other Impacts of Burnaby Now Ceasing Printed Version**

In addition to the public notices advertised in the Burnaby Now, the City places advertisements for general communications such as special events, public information and education, public engagement, programs and services. Staff are currently reviewing existing communications plans and investigating alternative means of communications to supplement general communications to the public with specific focus on the senior population.

**4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT**

Should Council approve the proposed Public Notice Bylaw and the alternative methods of notice through the City’s website and eNewsletter, staff will communicate this change through the City’s website, CityConnect eNewsletter, media release, BurnabyConnect app notification and social media.

In addition, information will be included in the next edition of the CityConnect printed newsletter that will be distributed in October to all houses, apartments and businesses in Burnaby. The mailout will explain the rationale for the change of notice locations, and also provide information on how the public can register to receive eNewsletters through the City’s email subscription service. The mailout will also include an engagement survey to receive insights from the community about effective methods to communicate City news especially to those who do not have access to the internet. The survey will use both digital and paper means of collection.

**5.0 FINANCIAL CONSIDERATIONS**

Should the City proceed to publish notice through the City’s website and electronic newsletter subscription service instead of printed newspaper notices, the City will save approximately \$62,000 annually as paid printed advertisements would no longer be required. Staff labour costs to implement the change is nil as the same amount of proofing, processing, and publishing notices would still be required for all statutory notices. Staff labour would also reasonably be decreased as only one notice version would be required to be designed and published, as the new methods in the proposed

bylaw would be provided in the same format and design and would not require redesigning to fit newspaper publication requirements.

Respectfully submitted,

Nikki Best, Director Legislative Services  
For  
Juli Halliwell, General Manager Corporate Services

**ATTACHMENTS**

- Attachment 1 – Public Notice Regulation (2022)
- Attachment 2 – Bill 26 Amendments – Public Notice and Code of Conduct
- Attachment 3 – Province of BC: Public Notice Guidance Materials (2022)
- Attachment 4 – Proposed Burnaby Public Notice Bylaw
- Attachment 5 – Public Notice Methods Analysis Table
- Attachment 6 – Proposed Burnaby.ca Public Notice Page Draft

**REPORT CONTRIBUTORS**

This report was reviewed by Blanka Zeinabova, Sr. Manager Legislative Services, Jennifer Wong, Assistant City Solicitor and Marie Ishikawa, Director Marketing and Corporate Communications.



BRITISH  
COLUMBIA

*Community Charter*

**PUBLIC NOTICE REGULATION**

**B.C. Reg. 52/2022**

Deposited and effective March 1, 2022

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

Consolidation current to March 8, 2022

B.C. Reg. 52/2022 (M55/2022), deposited and effective March 1, 2022, is made under the *Community Charter*, S.B.C. 2003, c. 26, s. 94.2.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.



*Community Charter*

**PUBLIC NOTICE REGULATION**

**B.C. Reg. 52/2022**

**Definition**

**1** In this regulation, “**Act**” means the *Community Charter*.

**Principles for effective public notice**

- 2**
- (1) Before adopting, under section 94.2 of the Act, a bylaw providing for alternative means of publishing a notice, a council must consider the following principles:
    - (a) the means of publication should be reliable;
    - (b) the means of publication should be suitable for providing notices;
    - (c) the means of publication should be accessible.
  - (2) Means of publication are reliable if
    - (a) they provide factual information, and
    - (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.
  - (3) Means of publication are suitable for providing notices if
    - (a) they allow all information in a notice to be displayed legibly,
    - (b) they allow a notice to be published by the required date, and
    - (c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.
  - (4) Means of publication are accessible if
    - (a) they are directed or made available to a diverse audience or readership, and
    - (b) they are easily found.

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**EXECUTIVE COMMITTEE OF COUNCIL**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: BILL 26 AMENDMENTS – PUBLIC NOTICE AND CODE OF CONDUCT**

**RECOMMENDATION:**

1. THAT Council receive this report for information.

**REPORT**

The Executive Committee of Council, at its meeting held on 2022 July 05, reviewed the attached report providing information on Bill 26 amendments regarding public notice and code of conduct.

Respectfully submitted,

His Worship, Mayor Mike Hurley  
Chair

Councillor Mike Hillman  
Vice Chair

Copy: General Manager Corporate Services City Solicitor Senior Manager Marketing and Communications
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**TO:** CHAIR AND MEMBERS  
EXECUTIVE COMMITTEE OF COUNCIL

**DATE:** 2022 June 28

**FROM:** GENERAL MANAGER  
CORPORATE SERVICES

**SUBJECT: BILL 26 AMENDMENTS – PUBLIC NOTICE AND CODE OF CONDUCT**

**PURPOSE:** To provide the Committee and Council with information on Bill 26 amendments regarding public notice and code of conduct.

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**RECOMMENDATION:**

1. **THAT** the Committee recommend Council to receive this report for information.

**REPORT**

**1.0 INTRODUCTION**

The Executive Committee of Council, at its meeting held on 2022 May 3, brought forward for reconsideration a report from the General Manager Corporate Services regarding a Burnaby Procedure Bylaw Review. Arising from discussion, the Committee requested information on Bill 26.

On 2021 November 25, Bill 26 – Municipal Affairs Statutes Amendment Act (No. 2), 2021 (“Amendment Act”) received royal assent, but the “commencement” section 57 meant that only the following key changes were given immediate effect:

- the option to waive the public hearing for a zoning bylaw that is consistent with an official community plan has been revised to be an option to decide not to hold a public hearing, with notice to be given before first reading of the bylaw; and
- allowing the delegation of decisions on “minor” development variance permits, as long as the bylaw delegating the decision includes criteria for determining whether the variance is minor, and guidelines for the delegate to consider when making the decision whether to issue the development variance permit.<sup>1</sup>

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<sup>1</sup> See *Planning and Development Committee report 2022 May 09 re: Bill 26 – 2021 Municipal Affairs Statutes Amendment Act (No. 2), 2021 (DVP)*

Other provisions were left waiting to be given effect only by further regulation of the Lieutenant Governor in Council (LGC).

A regulation made on 2022 February 28 has now given effect to the following further section applicable to the City:

- revised public notice requirements, allowing local governments to establish, by bylaw, alternative notice methods, such as providing online notice (providing notice via newspaper remains an option)<sup>2</sup>

The following section of the Amendment Act has yet to come into force, but will apply to Council once it is brought into force by regulation of the LGC:

- requirements that local governments consider developing a code of conduct for council members, or updating an existing code. If a local government elects not to establish or update a code, it will have to give reasons for this decision, and reconsider the decision before January 1st of the year of the next general election<sup>3</sup>

## 2.0 POLICY SECTION

This report aligns with the City’s Corporate Strategic Plan.

## 3.0 REVISED PUBLIC NOTICE REQUIREMENTS

The *Community Charter* and *Local Government Act* require local governments to provide advance public notice of matters of public interest (i.e. public hearings, public meetings, elections, disposition of land, road closure bylaws, etc.). Public notice is required to facilitate transparency and accountability and is part of the public engagement process.

Public notices inform the public of opportunities to participate in local government decision-making and share views. The *Community Charter* sets out the minimum content requirements for public notice and how notice must be provided; however, they do not limit any additional information that the local government may choose to incorporate into a notice or additional methods the local government may choose to use to provide notice to its community.

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<sup>2</sup> See Section 3.2. of the report

<sup>3</sup> See Section 4.0. of the report

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From: General Manager Corporate Services  
Re: Bill 26 Amendments – Public Notice and Code  
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### **3.1. Default Publication Requirements for Public Notice (Section 94.1 of the *Community Charter*)**

The public notice provisions that were in place prior to 2022 February 28 (“default publication requirements for public notice”) continue to be an available option for local governments. The default publication requirements apply if a local government has not adopted a public notice bylaw to provide for alternative methods of publication specific to the community. The default rules provide that the local government must:

- publish notice in a newspaper that circulates in the community once each week for two consecutive weeks; or,
- if publication by newspaper is not practicable, the notice may be given in the area by alternative means (e.g., posted on a community bulletin board or directly mailed).

If a local government uses alternative means the notice(s) must be given within the required time period and frequency set out in the *Community Charter*. Council must also consider the notice to be reasonably equivalent to that which would be provided by a newspaper. Alternative means in section 94.1 are not defined in the *Community Charter*, and could include any type of notice that Council believes will adequately reach the community and meet the legislative requirements, such as online advertising, direct mailing and/or radio ad. If the local government is using alternative means to meet the notice requirements, best practice is to provide the rationale for the mean(s) chosen and adopt a resolution in an open meeting.

### **3.2. Bylaw to Provide for Alternative Methods of Publishing (Section 94.2 of the *Community Charter*)**

Section 94.2 provides local governments the authority to adopt a public notice bylaw if they choose not to use the default notice provisions. Local governments that adopt a public notice bylaw must then publish notice by all the methods specified in the bylaw, and are still required to post a notice at the public notice posting places. A bylaw adopted under section 94.2 must:

- specify at least two methods of notice (e.g., newspaper and local government website), not including the public notice posting places; and,
- consider the principles of effective public notice (reliable, suitable and accessible) described by the Public Notice Regulation before adopting a public notice bylaw (see section 3.3. of this report).

Under a public notice bylaw, the notice must be published at least seven days before the matter for which notice is required (unless a different period is prescribed in the *Community Charter*, *Local Government Act* or another Act).

### 3.3. Principles of Effective Public Notice

Council is required to consider the principles described in the Public Notice Regulation in making public notice choices. These principles are intended to foster a shared set of good governance expectations among local governments and give residents confidence that their local governments will conduct their business in an open and transparent manner.

The principles that must be considered before a public notice bylaw is adopted are:

- Reliable – the publication methods are dependable and trustworthy
- Suitable – the publication methods work for the purpose for which the public notice is intended; and,
- Accessible – the publication methods are easy to access and have broad reach.

As a best practice, local governments may want to note how the principles have been considered (e.g., by resolution, reflected in the minutes, or included in the preamble of the public notice bylaw). A record of the decision demonstrates that Council discussed the principles and that the discussion is on the public record.

For example, if Council is considering whether to use the local government website and a community newspaper as the two required means of publishing notice in their bylaw, they would need to consider if:

- the community can easily access the website, and that the newspaper is distributed broadly in the community (i.e., accessibility principle);
- the community considers that the website and the newspaper will provide reliable and accurate ongoing information (i.e., reliability principle); and,
- the website and newspaper together can meet specific timing requirements (e.g., between three and 10 days) and content requirements (i.e., suitability principle).

### 3.4. Staff Comments

Local governments now have the option of continuing default notice requirements of publishing in a newspaper, or to adopt a public notice bylaw if they choose not to use the default notice provisions. Under section 94.2 of the *Community Charter*, a bylaw providing for alternative methods of publication must specify at least two different means of publications, not including the public notice posting place at the City Hall.

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From: *General Manager Corporate Services*  
Re: *Bill 26 Amendments – Public Notice and Code  
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### **3.4.1. Consideration of Other Notice Methods**

Based on guidance from the Province, possible means of public notice include:

- online or print newspaper;
- local government website;
- local government subscription service;
- community website or newsletter;
- local government Facebook page;
- direct email or mail out; or
- posting at recreation centres.

### **3.4.2. Newspaper**

This is the City's current practice that comply with applicable legislative deadlines. It should be noted that metrics on the actual level of readership of local newspaper is unavailable to the City.

### **3.4.3. City of Burnaby Website**

Posting notices on the City's website satisfies the principles of effective public notice (reliable, suitable, and accessible). The website is a readily available to anyone with internet access, and the City has control over the site to ensure that the notices are posted in a timely fashion, are reliable, readily searchable, factual, and otherwise compliant with the requirements of legislation. Users can also find supporting documentation on the City's website. The City has metrics on the user of the website, which already has a high volume of traffic.

### **3.4.4. City's Subscription Service**

Another form of notice is subscription service, which is available to Burnaby residents by free subscription. All that a resident requires is access to the Internet and an email address. Subscription service is reliable, suitable, and accessible as a widely available means for the City to publish factual information in a timely manner. This service allows information to be displayed legibly, and notices can be repeatedly accessed by subscribers at their convenience.

However, potential limitations to subscription service include that it may take time to build a subscriber base, and that some area specific notices will not be relevant to all subscribers.

At this time, the Marketing and Communication Department reviewing current subscription service, as this service is migrating to a new platform.



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### **3.4.5. City’s Facebook Page**

A local government Facebook page has been identified by the Province as a potential notice method; however, this method does not have any significant advantages over the City’s website or subscription service, and has several disadvantages. One disadvantage is that Facebook has a very limited organic reach and declining new user growth. Further, public notices are not a natural fit for content users, who do not generally subscribe to Facebook in order to receive legal notices, which may be lengthy and text-heavy. The formal content of public notices is counter to what tends to be well-received on Facebook.

### **3.4.6. Email**

Sending notices directly to residents’ email addresses is another potentially viable option. However, this method does not have any significant advantages over subscription service. A significant disadvantage of email is that the City would have the responsibility to compile and regularly update a list of the email addresses of residents, and this will likely pose a prohibitive obstacle to creating an effective means of notice. There is also uncertainty of knowing if recipients are actually opening and reviewing an email containing a local government public notice.

### **3.4.7. Online Newspaper, Community Website or Newsletter**

Although these methods have been identified by the Province, staff have concerns about the reach of such online media sources, given the perceived limited reach of local newspapers on readership generally. Staff have concerns about the effectiveness of such notices, given that the postings are not under the control of the City, and therefore the City has limited control over issue, such as the accessibility and legibility of notices, and how long the notices are posted for. Further, the cost of using online newspapers for notices is similar to the cost of using the paper format.

### **3.4.8. Direct Mail Out**

Using direct mail out has the advantages of targeting the residents most impacted by the matter at issue. However, the cost of direct mail out is prohibitive as a default means of providing public notice throughout the City for every matter requiring notice. Direct mail out is currently used to supplement the default notice provisions, and staff recommend that this practice continues.

### **3.4.9. Posting at Recreation Centres/Libraries**

Recreation centres and/or libraries may be particularly appropriate for posting notices of matter relevant to the surrounding community. These places are frequently visited. However, recreation centres usually display information pertaining to the recreational activities.

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A disadvantage of using any physical location is that residents would have to travel there to see the notice. Further, common areas may have space limitations, and the manual posting of public notices may leave room for human error.

### **3.4.10. Staff Recommendations**

Staff recommends continuance of current practice - default notice requirements of publishing in a newspaper and direct mail out, while evaluating options discussed in the report. Staff will bring forward a subsequent report, which would also include any comments from the Executive Committee and/or Council.

## **4.0 CODE OF CONDUCT**

Local Governments will be required to consider developing or updating codes of conduct. Bill 26 introduces two new sections into *the Community Charter* that address codes of conduct for Council members. Although these provisions do not make codes of conduct mandatory, they will require Council to consider their adoption.

The first provision, Section 113.1, will require Councils to consider developing a code of conduct for Council members, or review current codes of conduct if any already exist. This consideration must take place within six (6) months after the first Regular Council meeting that follows a General Local Election. If a Council ultimately decides not to establish a new code, or declines to review an existing code, reasons for this decision must be made publicly available.

The second code of conduct provision, Section 113.2, will require reconsideration of a Council's decision not to establish or review a code. This reconsideration must occur before January 1<sup>st</sup> of the year of the next General Local Election. If a Council confirms its prior decision not to establish or review a code, a further set of reasons for this confirmation must be made publicly available.

There are several considerations Council must take into account when either deciding whether to develop or update a code of conduct under s. 113.1, or reconsidering a decision not to develop or update a code under s. 113.2. In both circumstances, Council must:

- consider the prescribed principles for codes of conduct;
- consider any other prescribed matters; and
- comply with any prescribed requirements.

What these prescribed principles, matters, and requirements will entail is not yet known. Subsequent regulations will provide clearer criteria outlining what must be considered in this process.

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#### **4.1. Staff Comments**

Staff will bring forward a separate report after the 2022 general local election, seeking Council's direction on this matter.

#### **5.0 CONCLUSION**

This report is provided for the Committee and Council's information. Staff recommends continuance of current practice – default notice requirements of publishing in a newspaper and direct mail out, as it allows to meet the legislative requirements relating to public notice. A subsequent report will be brought forward which would also include any comments from the Executive Committee and/or Council. A separate report on the required Code of Conduct will be brought forward when the prescribed principles, matters and requirements are enacted.



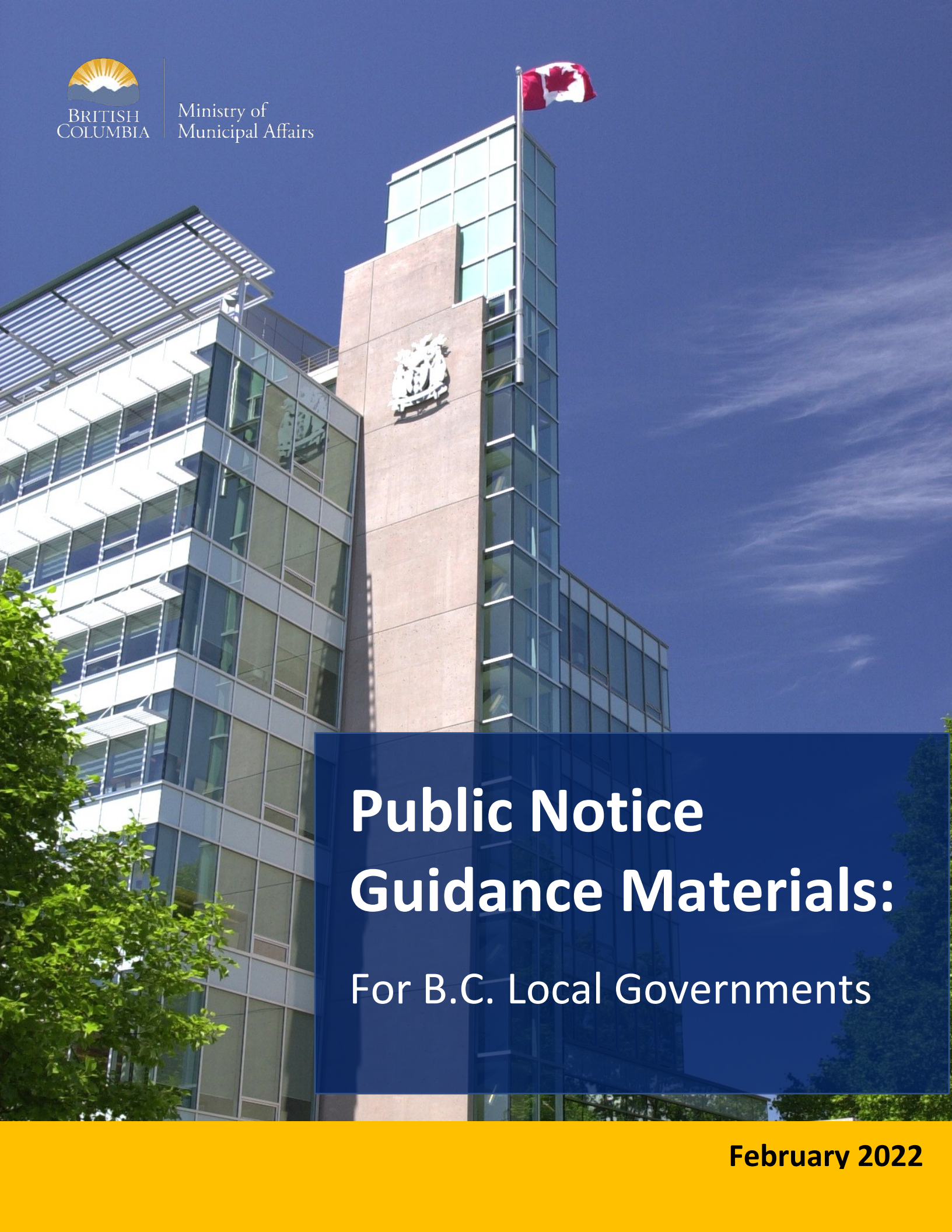
Dipak Dattani  
GENERAL MANAGER CORPORATE SERVICES

DD:bz

Copy: *City Solicitor*  
*Senior Manager Marketing and Communications*



Ministry of  
Municipal Affairs

A photograph of a modern government building with a glass facade and a central tower. A Canadian flag flies from a tall pole on the tower. The building has a crest on the tower. The sky is blue with light clouds. A blue semi-transparent box is overlaid on the bottom right of the image, containing the title text.

# Public Notice Guidance Materials: For B.C. Local Governments

February 2022

## Introduction

The *Community Charter* and *Local Government Act* require local governments to provide advance public notice of matters of public interest (e.g., public meetings, elections, public hearings, disposition of land). Public notice is required to facilitate transparency and accountability and is part of the public engagement process.

Public notices inform the public of opportunities to participate in local government decision-making and share views. The *Community Charter*, *Islands Trust Act*, *Local Government Act* and *Vancouver Charter* set out the minimum content requirements for public notice and how notice must be provided; however, they do not limit any additional information that the local government may choose to incorporate into a notice or additional methods the local government may choose to use to provide notice to its community.

## Requirements for Public Notice

The public notice requirements that came into force February 28, 2022 provide local governments with two options for providing public notice under Section 94 of the *Community Charter*:

- 1. continue to use the default publication requirements of publishing in a newspaper once each week for two consecutive weeks; or,**
- 2. adopt a bylaw to provide for alternative methods of publication (i.e., a public notice bylaw).**

Local governments must also provide public notice by posting the notice at the public notice posting places identified in their [procedure bylaw](#).

If a matter is subject to two or more requirements for publication (e.g., election notices), the notices may be combined as long as the requirements of the applicable provisions are met.

A local government may provide any additional notice regarding a matter that it considers appropriate, including by the internet or by other electronic methods.

Section 94 of the *Community Charter* states that if public notice is required the notice must be published in accordance with s. 94.1 [*Default publication requirements*] or s. 94.2 [*Bylaw to provide for alternative means of publication*] and by posting in the public notice posting places.

Section 94.2 of the *Community Charter* refers to the “means of publication”. In this document the term “methods” is used to express the “means of publication” for a public notice bylaw to differentiate it from “alternative means” in section 94.1.

## Default Publication Requirements for Public Notice (94.1)

The public notice provisions that were in place prior to February 28, 2022 (“default publication requirements for public notice”) continue to be an available option for local governments. The default publication requirements apply if a local government has not adopted a public notice bylaw to provide for alternative methods of publication specific to the community. The default rules provide that the local government must:

- publish notice in a newspaper that circulates in the community once each week for two consecutive weeks; or,
- if publication by newspaper is not practicable, the notice may be given in the area by alternative means (e.g., posted on a community bulletin board or directly mailed).

If a local government uses alternative means the notice(s) must be given within the required time period and frequency set out in the legislation. The council or board must also consider the notice to be reasonably equivalent to that which would be provided by a newspaper.

Local governments that regularly have to use alternative means because publication by newspaper is not practical may want to consider adopting a public notice bylaw so the public consistently knows where to find public notice(s) in the community.

Alternative means in section 94.1 are not defined in the legislation, and could include any type of notice that the council or board believes will adequately reach the community and meet the legislative requirements, such as online advertising, direct mailing and/or radio ad. If the local government is using alternative means to meet the notice requirements, best practice is to provide the rationale for the mean(s) chosen and adopt a resolution in an open meeting.

## Bylaw to Provide for Alternative Methods of Publication (94.2)

Section 94.2 provides local governments the authority to adopt a public notice bylaw if they choose not to use the default notice provisions. Local governments that adopt a public notice bylaw **must** then publish notice by all the methods specified in the bylaw, **and** are still required to post a notice at the public notice posting places.

A bylaw adopted under section 94.2 must:

- specify at least two methods of notice (e.g., newspaper and local government website), not including the public notice posting places; and,
- consider the principles of effective public notice (*reliable, suitable and accessible*) described by the *Public Notice Regulation* before adopting a public notice bylaw (detailed information about the principles is provided below).

### **2022 General Local Elections**

Local governments considering adopting a public notice bylaw in 2022 are recommended to do so before July 4, 2022, so there is sufficient time to develop the bylaw and let the public know about any changes to public notice before notices start for the October 15, 2022 general local elections.

Under a public notice bylaw, the notice must be published at least seven days before the matter for which notice is required (unless a different period is prescribed in the *Community Charter, Local Government Act* or another Act).

## Principles of Effective Public Notice

Each council or board is required to consider the principles described in the *Public Notice Regulation* and think critically about the same set of principles in making public notice choices. These principles are intended to foster a shared set of good governance expectations among local governments and give British Columbia's confidence that their local governments will conduct their business in an open and transparent manner.

The principles that **must** be considered before a public notice bylaw is adopted are:

- *Reliable* – the publication methods are dependable and trustworthy;
- *Suitable* – the publication methods work for the purpose for which the public notice is intended; and,
- *Accessible* – the publication methods are easy to access and have broad reach.

As a best practice, local governments may want to note how the principles have been considered (e.g., by resolution, reflected in the minutes, or included in the preamble of the public notice bylaw). A record of the decision demonstrates that the council or board discussed the principles and that the discussion is on the public record.

For example, if a council or board is considering whether to use the local government website and a community newspaper as the two required means of publishing notice in their bylaw, they would need to consider if:

- the community can easily access the website, and that the newspaper is distributed broadly in the community (i.e., accessibility principle);
- the community considers that the website and the newspaper will provide reliable and accurate ongoing information (i.e., reliability principle); and,
- the website and newspaper together can meet specific timing requirements (e.g., between three and 10 days) and content requirements (i.e., suitability principle).

### Possible methods to publish public notice:

- Online or print newspaper.
- Local government website.
- Local government subscription service.
- Community website or newsletter.
- Local government Facebook page.
- Direct email or mail out.
- Posting at recreation centres.

### Examples of sources that would likely **not** meet the principles of public notice\*:

- Twitter: the character limit means it is not **suitable** for displaying all the required information for a statutory public notice.
- Non-government Facebook or webpage: a source containing mostly opinions and not facts would not meet the principle of **reliability**.
- Radio/TV: because the information is only quickly displayed/read – it limits **access** to the information.

*\*All of the sources listed above would be appropriate as a supplemental way of informing the public; however, they would likely not meet the threshold established by the principles of effective public notice (e.g., reliable, suitable and accessible) and therefore couldn't be used as one of the official means of public notice under section 94.2 of the Community Charter.*

### *Reliable*

The publication methods are dependable and trustworthy in the community. To meet the principle of reliability consider whether the method is:

- trusted by the community to provide factual information (e.g. not solely opinions);
- a source that isn't likely to abruptly stop operating and has been part of the community for some time (e.g., is a well-established source of information); and,
- tested and able to reliably display the required information.

### *Suitable*

The publication methods work for the purpose of informing the community. To meet the principle of suitability consider whether the method can:

- display all of the legislatively required notice information in a legible manner;
- meet specific timing requirements outlined in the legislation (e.g., publishing by at least one of the means between three and 10 days before the matter is to be considered);
- be revisited during the publication period (e.g., won't be published once and then disappear); and,
- allow for the local government to keep a record of the date and period of time that the notice was published.

### *Accessible*

The publication methods are easily accessible for people and have broad reach in the community. To meet the principle of accessibility consider whether the method(s):

- are accessible to a broad spectrum of the local population (e.g., age, location);
- provide an easy way for people to find and read the public notice information (considering also persons with disabilities, community demographics, and language needs);
- provide different ways for the public to be informed (e.g., in print and online);
- have limited barriers to access (e.g., one is free if the other is a paid subscription); and,
- take into consideration local circumstances (e.g., lack of reliable internet or a local newspaper).

## **Best Practices for Developing a Public Notice Bylaw**

Best practices for development and adoption of a public notice bylaw may include:

- discussion of different options for public notice and the principles of effective public notice at an open meeting of council or regional district board before deciding on the methods and adopting the bylaw;
- a public survey to understand communication needs and practices in the community (perhaps including a question to find out how the person heard about the survey, which may show how people access information from the local government);



- outreach to the newspaper (if it is one of the methods being considered) to understand publication schedules and future plans, to ensure that the principles of reliability and suitability can continue to be met;
- outreach to member municipalities (for regional districts) to discuss the methods they use to provide public notice to be as consistent as possible;
- information for the public about the adoption of a public notice bylaw to promote accountability and transparency. This may include:
  - a press release;
  - local government open house;
  - information on the local government website and/or social media; or,
  - information at the public notice posting place.
- review of the public notice bylaw (e.g., annually) to ensure that the principles continue to be met for each of the methods identified in the bylaw.

## **Public Notice Posting Place**

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All notices must be posted at the public notice posting place(s) for the public notice requirements to be met, regardless of whether a local government is using the default notice requirements or has adopted a public notice bylaw. Local governments must identify places that are to be the public notice posting places in their [procedure bylaw](#).

Examples of public notice posting places include: the public notice board at municipal hall or regional district board office; the council chamber at municipal hall or regional district board meeting place.

## **Public Notice Timing Requirements**

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Specific timing and content requirements in the *Community Charter*, *Islands Trust Act*, *Local Government Act* and *Vancouver Charter* continue to apply whether the local government has adopted a public notice bylaw or is using the default rules. However, there is some new terminology for councils and boards to be aware of.

### ***Notice must be published at least seven days before the matter***

For most matters, local governments that adopt a public notice bylaw are required to publish notice “at least seven days before the date of the matter for which notice is required”. The [Interpretation Act](#) sets out the definitions and how to determine the beginning or end(s) of a time period. It also sets out considerations if a day falls on a holiday or the office is closed. A period of consecutive days is counted as seven days from the day before the reference day (so eight days including the reference day). If the term “at least” is used, then one day is added to this calculation.

To establish when notice must be published:

- determine the date the matter will be considered. This date will be the “reference day”;
- start counting backwards seven days from the day before the reference day; and,
- add one more day to the calculation because the term “at least” is used.

For illustration:

- If the matter is to be considered on May 12 then the notice must be published by May 4.

May						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	1	2
3	4 At least seven days before +1	5	6	7	8	9
10	11	12 Reference Day	13	14	15	16
2	1					

**Notice must be published by at least one of the means “not less than” and “not more than”**

For some matters (e.g., public hearings, zoning bylaws, notice of annual tax sale), the legislation specifies rules that public notice must be published within a specific timeframe. If a local government has adopted a public notice bylaw, only one of the means must be published during this specific timeframe. The other means would be subject to the default “at least seven days before the date of the matter for which notice is required” (described above).

To establish when notice must be published for “not less than three days and not more than 10 days”:

- determine the date the matter will be considered. This date will be the “reference day”;
- to determine “not less than three days” count backwards three days from the day before the reference day (so four days including the reference day) and then add one day because the term “not less than” is used;
- to determine “not more than 10 days” count backwards 10 days from the day before the reference day (so 11 days including the reference day) – do not add an extra day for this one because “not more than” is not a special period in the *Interpretation Act*; and,
- a notice must be published by one of the methods specified in the bylaw between these two dates.

For illustration:

- If the matter is to be considered on November 15 – “not less than three days” before would be November 11 and “not more than 10 days” before would be November 5. Notice must be published between November 5 and November 11.

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	1	2
3	4	5 Not more than ten days before 10	6 9	7 8	8 7	9 6
10 5	11 Not less than three days before 4 (+1)	12 3	13 2	14 1	15 Reference Day	16

### **30 days after publication by two of the methods**

For some matters, the legislation specifies the notice deadline to be “at least 30 days after the second publication of the notice” (e.g., alternative approval process), or “within 30 days after the second publication” (e.g., local area service – subject to petition against).

If a local government has adopted a public notice bylaw, the 30-day period starts on the date when the notice has been published by two means. If notice is published on:

- **two different dates**, the 30-day period starts on the day the second notice is published (as long as the first notice is still published at the same time); or,
- **the same day**, the 30-day period starts on the day both the notices are published.

Where a local government has established more than two methods in its public notice bylaw, only the first two methods used must be considered with respect to the timing requirements. However, the notice must still be published by all the methods specified in the bylaw.

To determine how to count 30 days from the start date, please refer to the *Interpretation Act* for that specific section of the legislation. For example, “at least” and “within” are counted slightly differently.

## **Public Notice Policy**

Local governments may decide to establish a public notice policy in addition to adopting a public notice bylaw. This policy may indicate:

- additional methods of public notice (in addition to the required notices) that will be provided to specific hard-to-reach rural areas or populations;
- what additional methods would be used if staff were directed to do so by council/board (e.g., local government social media page if this is not one of the methods specified in the bylaw);
- a public notice e-mail subscription service for residents to sign-up for (if this is not one of the methods specified in the bylaw);
- the specific name of the primary newspaper that will be used for public notice (if this is one of the chosen methods in the bylaw and the name of the newspaper is not included in the bylaw);

- the specific names of alternative newspapers that would be used if the primary newspaper for public notice isn't available (if this is one of the chosen methods in the bylaw and the name of the newspaper is not included in the bylaw);
- how notice of the matter will be provided to First Nations communities in the area (if applicable) and persons living on reserve (e.g., contact the band manager to advise of notices and direct mail to persons living on reserve); and,
- records management practice for public notices.

## **Public Notice Bylaws and Regional Districts**

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Regional districts generally encompass large areas with a diverse mix of rural and urban needs which may make it challenging to find methods of public notice that will reach everyone.

One approach for regional districts that want to adopt a public notice bylaw is to specify methods that are consistent with the principles of effective public notice and as widely available as possible within the region (e.g., regional district website and Facebook) and then adopt a public notice policy to specify additional methods that will be used for different electoral areas or municipalities (e.g., a local newsletter; posting at firehalls or member municipal halls; publishing a condensed notice in the local newspaper with a link to the website for the full notice). This will give the regional district flexibility to provide notice in different ways depending on which urban or rural area it is providing notice.

## **Public Notice Records Management**

Local governments that establish a public notice policy with additional methods to publish notice may also want to include best practices for records management of those public notices. Records management practices for public notice may consider how to keep an historical record of public notice if it is published in electronic form, posted on a bulletin board, or published in a newspaper.

Best practices for public notice records management include:

- outlining records management practices for public notice(s) in a policy;
- requiring that a date of publication be included on the notice;
- for electronic notices, taking a screen shot that shows the date and download the analytics (e.g., how long the notice was posted for; how many viewed the notice);
- for newspaper, saving the original news clipping (if printed) or a screen shot if online, and all supporting documents (e.g., information from the newspaper stating the date of publication; PDF of the notice and the invoice);
- if posting notice on a bulletin board (e.g., fire hall, recreation centre) including the dates for which the notice is to be posted on the notice itself (e.g., July 10 – July 22) and take a date stamped photo; and,
- storing all of the information related to the notice (including copies of the notice itself) in one folder for ease of access in the future and keeping a copy on an offsite server.

# Public Notice Bylaws - Frequently Asked Questions

## Q: Why adopt a public notice bylaw?

A: A local government may decide to use the authority to adopt a public notice bylaw in circumstances where publication by newspaper is no longer practical or where the community has a desire for more varied notice.

Considerations before adopting a public notice bylaw may include:

- Does the community have an accessible, reliable and regularly published newspaper?
- How is public notice accessed most often by the community?
- Are there areas or people in the community that may access public notice differently?
- Has the local government recently had to use “alternative means” to publish notice for a matter? If yes, what method of publication was used?
- Has there been past confusion from the public about where to find public notice?
- Would a public notice bylaw provide clarity for local government staff and/or the public?

## Q: Is public engagement required to adopt or amend a public notice bylaw?

A: **No.** Section 94.2 of the *Community Charter* does not require local governments that adopt or amend a public notice bylaw to engage with the public or provide public notice that the bylaw is being adopted. However, as a best practice, notice of the proposed public notice bylaw or amendment can be posted on the local government’s website or shared in other ways (e.g., at a council or board meeting; posted to a public notice posting place; shared through a news release).

Providing the public with information about where to find public notice (especially if the method of public notice is changing) facilitates openness and transparency, a fundamental principle of good governance. Informing the community about the public notice bylaw also helps people know where to find public notices for matters affecting the community.

## Q: Can a public notice bylaw use newspaper publication as one of the methods?

A: **Yes.** In many communities, local newspapers remain an accessible, reliable and suitable source for sharing information with the public. Where this is the case, a local government may choose to have newspaper as one of the methods of publication specified in a public notice bylaw, or the local government may decide not to adopt a bylaw and continue to use the default requirements for public notice.

## Q: What methods may be used for publishing notice?

A: Newspapers are considered a regular source of local information in many communities and, where available, can be used for public notice; however, where this is not the case, there may be other reliable sources the public looks to for community information (e.g., local government website). Local governments that choose to adopt a public notice bylaw must consider the principles of effective public notice to determine the most appropriate methods for the community. The methods of publishing notice will vary from community to community and depend on local circumstances.

**Q: Can a public notice bylaw have more than two methods of publishing notice?**

A: **Yes.** Local governments can consider whether to establish additional methods of public notice, beyond the required two methods. However, *all* the methods of public notice specified in the bylaw must be completed before the public notice is considered “published”. Specifying more than two methods of publication in a public notice bylaw may increase the risk that public notice requirements may not be met. Where additional public notice is desired and the local government prefers not to include it in the bylaw, it can consider adopting a public notice policy that specifies where and when additional notice will be provided.

**Q: Can a public notice bylaw use different methods of providing notice for different types of notices (e.g., elections, planning and land use)?**

A: **No.** A local government adopting a public notice bylaw must use the same two or more methods specified in the bylaw for publishing **all** public notices. This ensures the public knows consistently where to find notices that may be of interest.

In the event that one of the methods for publishing notice is unavailable, the local government must amend the public notice bylaw and choose a new method of publishing notice to meet the legislated public notice requirements.

**Q: Can a public notice bylaw be combined with a procedure bylaw?**

A: **It is not recommended.** Local governments developing a public notice bylaw may do so as a stand-alone bylaw so the information remains easily accessible to the public. Where appropriate, local governments can refer to a public notice bylaw in their [procedure bylaw](#).

## Additional Public Notice FAQs

**Q: Can a local government using the default rules still publish notice by “alternative means”?**

A: **Yes.** Local governments that choose to use the default public notice requirements can, where publication in a local newspaper is not practical, publish the notice using “alternative means”. The legislation specifies that if “alternative means” are being used instead of newspaper, the notice must be:

- given within the same period as required for publication;
- given with the same frequency as required for publication; and,
- provide notice the council or board considers is reasonably equivalent to that which would be provided by newspaper publication.

Section 94.1(3) of the *Community Charter* sets out how to give notice using alternative means under the default requirements.

The frequency requirement does not apply if a local government chooses to distribute the public notice directly (e.g., delivered by mail or by hand) to residents in the area impacted by the matter set out in the notice.

**Q: Can public notices for two different matters be combined?**

A: **Yes.** Generally public notice is given separately for different matters – this provides clarity for the public. However, if the same matter is subject to two or more requirements for publication, the notices may be combined so long as the requirements of all applicable provisions are met (e.g., timing and frequency).

**Examples of Combined Notice**

***Notice of Assent Voting***

The public notice for assent voting must be published at least six, and not more than 30 days, prior to general voting day. Notices for assent voting can be combined with the notices required for general local elections (if happening at the same time).

***Disposition of Local Government Property***

A local government that wishes to dispose of property below market value must provide a public notice of its intention to grant assistance, as required either by section 24 of the *Community Charter* or section 272 of the *Local Government Act*. This notice may be combined with the notice of disposition (section 26 of the *Community Charter* or 286 of the *Local Government Act*), and the notice must clearly state that it provides for both disposition and assistance.

***Local Government Elections***

A local government may combine required local election notices (e.g., notice of advance voting and general voting day) as long as the timing set out in the legislation is met for both notices. For example: the notice of advance elector registration, elector qualifications, list of registered electors and objection to registration of an elector can appear in one notice.

**Q: Have the timing and content requirements for public notice changed?**

A: **No.** The timing and content requirements specified in the *Community Charter*, *Islands Trust Act*, *Local Government Act*, and *Vancouver Charter* continue to apply regardless of whether the local government has adopted a public notice bylaw or is using the default rules.

Amendments have been made to some sections of the legislation to provide clarity on the timing rules for local governments that adopt a public notice bylaw (refer to the public notice timing section of this document for further information).

**Q: Has the requirement for “publication in a newspaper” changed in the *Local Government Act* and *Islands Trust Act*?**

A: **Yes.** The reference to “publication in a newspaper” has been removed from sections of the *Local Government Act* and *Islands Trust Act* and replaced with the requirement to publish notice in accordance with Section 94 of the *Community Charter*. The explanation for “giving notice by newspaper publication” in section 4 of the Schedule in the *Local Government Act* has also been removed. This means all local governments now have the same requirements and options for public notice. Regional districts and Islands Trust bodies are now required to also post notice at the public notice posting place.

Sections of the *Local Government Act* where the reference to “newspaper” has been removed and replaced with “publishing notice in accordance with Section 94 of the *Community Charter*”.

- Section 13 – Reduction of municipal area
- Section 16 – Other redefinition of boundaries
- Section 50 – Public notice by newspaper publication
- Section 225 – Procedure bylaws
- Section 272 – Publication of intention to provide certain kinds of assistance
- Section 286 – Notice of proposed disposition
- Section 376 – Annual reporting on regional district finances
- Section 466 – Notice of public hearing
- Section 467 – Notice if public hearing waived
- Section 494 – Public notice and hearing requirements
- Section 612 – Heritage designation procedure
- Section 647 – Notice of annual tax sale
- Section 659 – Application of surplus from tax sale

**Q: Has the public notice requirement for regional district procedure bylaw amendments changed?**

A: **Yes.** The amendments for a regional district board’s procedure bylaw are no longer required to be mailed to each director five days before the meeting at which the amendment is to be introduced. The *Local Government Act* now requires the local government to provide notice in accordance with section 94 of the *Community Charter* describing the proposed changes in general terms, which is consistent with the requirement for municipalities.

**Q: Has the notice for regional district special board meetings changed?**

A: **Yes.** The notice for regional district special board meetings provided in section 220 of the *Local Government Act* now has the same requirements as that of municipalities under section 127 of the *Community Charter*. Notice of a regional district special board meeting must be given at least 24 hours before the time of the meeting by:

- posting a copy of the notice at the regular board meeting place;
- posting a copy of the notice at the public notice posting places; and,
- leaving one copy of the notice for each board member at the place to which the member has directed notice be sent (this can be by email).

Additionally, the notice must include the date, time and place of the meeting and describe in general terms the purpose of the meeting and be signed by the chair or corporate officer.

The notice of a special meeting may be waived by unanimous vote of all directors. However, waiving notice for special meetings is best used sparingly and the reasons for waiving notice documented in the meeting minutes.





BRITISH  
COLUMBIA

Ministry of  
Municipal Affairs

## **CITY OF BURNABY**

### **BYLAW NO. 14601**

A bylaw to provide for alternative means of publishing a notice.

The Council of the City of Burnaby ENACTS as follows:

#### **PART 1: CITATION**

1.1 This bylaw may be cited as **BURNABY PUBLIC NOTICE BYLAW 2023**.

#### **PART 2: DEFINITIONS**

2.1 In this bylaw, unless the context otherwise requires:

“**bylaw**” means this bylaw

“**City**” means the City of Burnaby

“**City’s website**” means the official website of the City of Burnaby, [www.burnaby.ca](http://www.burnaby.ca)

#### **PART 3: ALTERNATIVE METHODS OF PUBLISHING A NOTICE**

3.1 Any notice required to be given or published in accordance with section 94 of the *Community Charter* must be published by the following methods:

- (a) electronically by posting the notice on the **City’s website**; and
- (b) electronically by distributing the notice through the **City’s** email subscription service.

#### **PART 4: SEVERABILITY AND REPEAL**

4.1 If a portion of this **bylaw** is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this **bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	, 2023
Read a second time this	day of	, 2023
Read a third time this	day of	, 2023
Reconsidered and adopted this	day of	, 2023

MAYOR

CORPORATE OFFICER

## Attachment 5: Public Notice Methods Analysis Table

Public Notice Method	Analysis of Reliability, Suitability and Accessibility per the Public Notice Regulation	Staff Recommendation
<b>1. City's Website: Dedicated Notices Page</b>	<ul style="list-style-type: none"> <li>Provides factual information direct from the City of Burnaby</li> <li>Published and updated once per week on Thursdays (exceeding the 1 month website minimum)</li> <li>Displaying information legibly and in variable sizes, removing accessibility barriers found in small print in physical newspapers</li> <li>The notice can be consulted more than once during the notice period as the webpage will be organized by publication dates, and previous notices will remain online up to 1 year</li> <li>Free and no cost to the public to access</li> <li>Available in any location with internet access, rather than seeking out a local printed paper</li> <li>Searchable by keywords on the City's website and through Google querying</li> <li>Users can also find supporting documentation and contact information on the City's website</li> <li>The City has metrics on the use of the website, which already has a high volume of traffic.</li> </ul>	
<b>2. City's Email Subscription Service: CityConnect eNewsletter</b>	<ul style="list-style-type: none"> <li>Distributed once per week on Thursdays (keeping with previous newsprint publication dates)</li> <li>Members of the public consent to receive the emails</li> <li>Displaying information legibly and in variable sizes, removing accessibility barriers found in small print in physical newspapers</li> <li>Allows the public to consult the notice more than once as the notice will be in an emailed format that has a link that will not expire before 1 year after publication date</li> <li>Free and no cost to the public to access</li> <li>Available in any location with internet access, rather than seeking out a local printed paper</li> <li>Searchable by keywords via email linking to the notices on the City's website</li> <li>eNewsletter is subscriber-driven, and it is the subscriber's responsibility to update their email addresses with the City.</li> <li>eNewsletter is web compatible, which allows subscribers to easily access backup information on the City's website.</li> <li>Metrics are readily available to assess the frequency and manner of use of eNewsletter by its subscribers.</li> <li>While the City already has a base of email subscribers, potential limitations to eNewsletter include that it may take time to grow the subscriber base for those who specifically seek Public Notices.</li> </ul>	<p>Staff recommend the website and email subscription service as the two mandatory methods of public notice in the Public Notice Bylaw.</p>
<b>3. City's Facebook Page</b>	<ul style="list-style-type: none"> <li>Public notices are not a natural fit for content users, who do not generally subscribe to Facebook in order to receive legal statutory notices, which may be lengthy and text-heavy as notice content is legislated</li> <li>The formal content of public notices is counter to what tends to be well-received on Facebook.</li> <li>Members of the public may respond to Facebook notices in comments instead of the prescribed methods provided in the notices (For example, a comment on a Facebook post does not constitute a public hearing submission).</li> <li>Facebook ads and pushed notices have a cost associated by fees set out by the software provider</li> </ul>	
<b>4. City Sending Direct Emails to Public for Notices</b>	<ul style="list-style-type: none"> <li>Sending notices directly to residents' email addresses is another potential option. However, this medium does not have any significant advantages over the eNewsletter.</li> <li>A significant disadvantage of email is that the City would have the responsibility to compile and regularly update a list of the email addresses of residents, and this will likely pose a prohibitive obstacle to creating an effective means of notice.</li> <li>There is also uncertainty of knowing if recipients are actually opening and reviewing an email containing a local government public notice, in contrast to an eNewsletter that monitors and collects this data.</li> </ul>	<p>Staff do not recommend these options as mandatory notice methods in the Public Notice Bylaw but would like to include these as value-added or additional notification methods for project and application specific items, based on the desire of outreach and community engagement direction from Council or departmental staff.</p>
<b>5. Other online newspapers, community driven websites or alternative newsletters</b>	<ul style="list-style-type: none"> <li>Staff have concerns about the reach of such online media sources, given the perceived limited reach of local newspapers on readership, generally.</li> <li>Staff also have concerns about the effectiveness of such notices, given that the postings are not under the control of the City and therefore the City has limited control over issues such as the accessibility and legibility of notices, and how long the notices are posted for.</li> <li>Further, the cost of using online newspapers for notices is similar to the cost of using the paper format, which is therefore higher than the cost of other Internet methods.</li> </ul>	
<b>6. City-Wide Direct Physical Mail Out</b>	<ul style="list-style-type: none"> <li>Using direct mail out has the advantages of targeting the residents most impacted by the matter at issue. However, the cost of direct mail out to the entire City is prohibitive as a default means of providing public notice throughout the City for every matter requiring notice.</li> <li>Direct mail out is currently used to supplement the default notice provisions, and staff recommend that this practice continues.</li> <li>Direct mail out is already in place for addresses that require notification that fall within the 30m to 50m radius of subject properties based on the type of application.</li> </ul>	
<b>7. Posting at Libraries and Recreation or Community Centres</b>	<ul style="list-style-type: none"> <li>These places are frequently visited by youth, seniors and unhoused community members – i.e., audiences who are underrepresented on certain Internet formats.</li> <li>Libraries in particular may be suitable for the content of public notices, and residents are used to receiving general information that the libraries have on display. Recreation centres, on the other hand, usually display information pertaining to recreational activities.</li> <li>A natural disadvantage of using any physical location is that residents would have to travel there to see the notice. Common areas may have space limitations, particularly at recreation centres and the physical location of the notices may require monitoring or security to ensure statutory notices would not be removed, altered or covered.</li> <li>Further, the manual posting of public notices may leave room for human error or timing conflicts</li> <li>Digital kiosks located at these centres may be an option, but its feasibility would require further examination by staff.</li> <li>Staff recommend that the option be retained to use recreation centres and libraries to supplement the City website and eNewsletter as means of notice, depending on the circumstances.</li> </ul>	

# Public Notices

## Your voice matters

Public notices are used to facilitate transparency and accountability by informing the public of opportunities to share views and participate in local government decision-making, or to provide advance public notice of matters of public interest.

Notices are published in advance of matters of public interest such as public meetings, elections, public hearings, and dispositions of land. These notices are published in accordance with the [Community Charter](#) and the [Local Government Act](#) and will include, where applicable, information on how, when, and where the public can request further information and/or provide comments to Council or City staff.

[Collapse all](#)

### Public hearings

August 29, 2023:

- [Notice-Public-Hearing-2023-08-29.pdf](#)

### Bylaw amendments

There are no notices at this time.

### Notice of disposition

There are no notices at this time.

### Other

August 28, 2023:

- [Notice-Temporary-Use-Permit-6891-MacPherson-Ave.pdf](#)



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