

To:	Warden Hicks and Members of Grey County Council
Committee Date:	June 13, 2019
Subject / Report No:	CCR-CW-10-19
Title:	Notice Policy Update
Prepared by:	Jacquelyn Morrison
Reviewed by:	Heather Morrison
Lower Tier(s) Affected:	None
Status:	Recommendation adopted by Committee of the Whole as presented as per Resolution <i>CW138-19</i> ; Endorsed by County Council as per Resolution <i>CC47-19</i> .

Recommendation

1. That Report **CCR-CW-10-19** be received and Council endorse **G-GEN-004** being the Notice Policy; and
2. That **G-GEN-004-001** being the Notice Procedure be rescinded as it is now contained within the updated Policy; and
3. That a By-law be brought forward for Council's consideration.

Executive Summary

Section 270 (1) of the *Municipal Act*, 2001, as amended, requires that municipalities adopt and maintain a policy with respect to circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner, and times notice shall be given.

Staff has updated the policy to reflect changes to the governance structure and administrative changes for consistency and clarity.

Background and Discussion

Section 270 (1) of the *Municipal Act*, 2001, as amended, requires that municipalities adopt and maintain a policy with respect to the provision of notice.

The previous Notice Policy was accompanied by a separate procedure, which outlined the details of the notice requirements. Both documents have been combined into one document for simplification. This is in line with other policy and procedure updates undertaken recently. The updated document utilizes Grey County's new policy template, which has been created to ensure consistency and ease of reference for all policies.

The suggested changes to the Notice Policy are largely administrative and unsubstantive. The following summarizes the recommended changes to the Notice Policy:

- Addition of a “Legislation” section;
- Additions in the “Definition” section for thoroughness;
- Addition of courier in paragraph 3.2 as a form of notice;
- Updates to job titles, specifically the Clerk;
- Schedule ‘A’ updates to the provision of notice for financial statements and email added as a provision of notice under the *Planning Act*;
- Updates to Policy and By-law references;
- Paragraph numbering was added for ease of reference and is in line with updates to other Grey County policies;
- Changes to wording, spacing, and paragraphs to promote clarity and plain language; and
- Administrative updates to the formatting of the document to ensure accessibility.

Legal and Legislated Requirements

Section 270 (1) of the *Municipal Act* requires that all municipalities have a Notice Policy.

Financial and Resource Implications

There are no financial implications related to the update of this Policy.

Relevant Consultation

- Internal – Clerk’s, Planning
- External

Appendices and Attachments

Draft Notice Policy

Corporate Policy

Notice Policy

Approved by: County Council
By-law: By-Law 4767-12
Replaces: G-GEN-004
Section: Governance

Policy: G-GEN-004
Date Approved:
Last Revision Date: June 2019
Scheduled for Review by: 2023

Policy Statement

The Corporation of the County of Grey (“the County”) is vitally interested and committed to ensuring an accountable, transparent, and open corporation.

Purpose

Accountability, transparency, and openness are standards of good government that enhance public trust. The County of Grey is committed to accountable, transparent, and open governance through the provision of notice which enables citizens to be aware of the business of the municipality.

Scope

This policy applies to The Corporation of the County of Grey.

1.0 Definitions

- 1.1 “Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended from time to time, and includes any regulation made under said *Act*.
- 1.2 “CAO” means the person appointed as Chief Administrative Officer of The Corporation of the County of Grey.
- 1.3 “Clerk” means the person appointed as the Clerk of The Corporation of the County of Grey.
- 1.4 “Council” means Council of The Corporation of the County of Grey.
- 1.5 “County” means The Corporation of the County of Grey.
- 1.6 “Day” means calendar day.
- 1.7 “*Planning Act*” means the *Planning Act*, R.S.O. 1990, c.P.13.
- 1.8 “Posted” means electronically publishing the notice on the County of Grey web site.

- 1.9 “Website” means the County of Grey website www.grey.ca.
- 1.10 “Written” means correspondence mailed or emailed to specific individual(s) and/or organization(s).

2.0 Legislated Requirements

- 2.1 Section 270 (1) of the *Municipal Act*, 2001, as amended, requires that municipalities adopt and maintain a policy with respect to circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner, and times notice shall be given.

3.0 Provision of Notice

- 3.1 Where notice is required, including notice of intention to pass a by-law or notice of a public meeting, the notice shall be given pursuant to Schedule “A” as attached.
- 3.2 The provision of notice may also be in the form of direct delivery, including hand delivery, ordinary mail, courier, facsimile and email; posting on website; newspapers; location signs; radio and television (i.e. media releases).

4.0 Time of Notice

- 4.1 Where notice of intention to pass a by-law or notice of a public meeting is required to be given, such notice shall be provided in the time frame prescribed in the *Act* or its regulations and if it is not prescribed, notice shall be given pursuant to Schedule “A” as attached.
- 4.2 Notice as required under the *Planning Act* shall be in accordance with the time frames set out in the *Planning Act*.

5.0 General

- 5.1 Where separate by-laws and/or policies have been enacted in accordance with legislation, the notice provisions set out in such by-laws and policies shall prevail over this Notice Policy.
- 5.2 No notice shall be required under this Notice Policy where the provision of notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed meeting under Section 239 of the *Act*.
- 5.3 Notwithstanding the notice requirements in this Notice Policy, where the giving of notice to the public is required by legislation, Council may provide additional notice, reduce, or amend such requirements upon passage of a resolution at a duly called

meeting of Council, provided that the motion specifies an alternate method of giving notice deemed to be in a form and manner adequate to the circumstances.

- 5.4 Notwithstanding the notice requirements in this Notice Policy, where the giving of notice to the public is not required by legislation, Council may waive the notice requirements of this Notice Policy by passage of a resolution at a duly called meeting of Council.

6.0 Application

- 6.1 The requirement to give reasonable notice to the public shall be fulfilled upon the completion of the actions specified in this Notice Policy.
- 6.2 The manner and form of notice in this Notice Policy shall be the minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the Clerk.
- 6.3 Where newspapers are utilized to provide notice, the Clerk shall determine the most appropriate newspaper(s) to use in a particular notice. The decision shall be based on the citizens affected by particular subject matter. The Director of Planning shall determine the most appropriate newspaper(s) for providing notice under the *Planning Act*.
- 6.4 Where public notice is desired but not legislated through this Notice Policy or other legislative means, the notice undertaken by the County should reflect the magnitude and complexity of the issue/initiative and the desired goal or outcome. In selecting the appropriate notice beyond the scope of this Notice Policy the following four recognized types of public engagement will be considered:
- a) To inform-provide information to assist in understanding the initiative, alternatives, opportunities and/or solutions;
 - b) To consult-obtain feedback on analysis, alternatives and/or decisions;
 - c) To involve-work directly with the community throughout the process to ensure concerns and aspirations are understood; and
 - d) To collaborate-partner with the community in the development of a decision to seek alternatives and/or a preferred solution.
- 6.5 The determination of appropriate notice beyond the scope of this Notice Policy will be at the discretion of the Clerk.

7.0 Emergency Provision

- 7.1 The requirements to provide notice apply except where the Warden, in consultation with the Chief Administrative Officer (CAO), determines that notice should be waived due to emergency, urgency, time sensitive situations, or situations which could affect the health and well-being of the residents of Grey County.
- 7.2 Council members shall be informed as soon as possible by electronic mail if an exemption in 7.1 is applied.

8.0 Responsibility

- 8.1 It is the responsibility of the appropriate Director in conjunction with the Clerk to ensure that the notice requirements applicable to each department are met.

9.0 Updating Procedure

- 9.1 The Clerk is hereby authorized to update this Notice Policy with changes to by-law and policy/procedure references for those by-laws and policies listed in this Policy.
- 9.2 Any additions or deletions to this Notice Policy shall be endorsed by County Council.

10.0 Schedule

- 10.1 Schedule "A", as attached, forms part of this Notice Policy.
- 10.2 If Schedule "A" does not include all instances where the County is required to provide notice and where the provision of notice and term of notice is not identified in legislation, the following shall apply:
 - a) Provision of Notice: Post on the County's website;
 - b) Term of Notice: 21 days prior to passing the By-law and seven days prior to holding a public meeting.

Schedule "A"

COUNTY OF GREY NOTICE PROVISIONS

* Denotes notice required by the Act

Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
TRANSPORTATION SERVICES			
34(1) Permanent Closure of Highway	N/A	Signage posted, Post on website, Newspaper	21 days prior to enactment of by-law
Temporary Closure of Highway for Construction	N/A	Signage posted, Post on website under seasonal construction plan	Update website as necessary Signage posted as soon as practical
Changing Name of Highway	N/A	Post on website, Signage posted, Media release	21 days prior to enactment of by-law
FINANCIAL			
Agreements for Municipal Capital Facilities – Assistance by Municipality 110(3)* Assistance by Municipality A municipality may enter into agreements for the provision of municipal	N/A	Written	As prescribed by the Act

Schedule "A"

COUNTY OF GREY NOTICE PROVISIONS

* Denotes notice required by the Act

Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
capital facilities by any person, including another municipality.			
<p>110(8)* <i>Agreements for Municipal Capital Facilities – Tax Exemption By-law</i></p> <p>A municipality may exempt from taxation for municipal, and school purposes land or a portion of it on which capital facilities are or will be located (under specific conditions)</p>	N/A	Written	As prescribed by the Act
289 Adoption of Budget	N/A	Post on website	21 days prior to anticipated date of consideration by Standing Committees
295(1)* <i>Financial Statements</i>	N/A	Newspaper or in such other manner as the treasurer considers appropriate. (i.e. posted to County website)	As prescribed by the Act - Within 60 days after receiving the audited financial statements of the municipality for the previous year, the treasurer of the municipality shall publish in a newspaper having general circulation in the municipality or in such other manner as the treasurer considers appropriate. (i.e. posted to County website)

GOVERNANCE

Schedule "A"

COUNTY OF GREY NOTICE PROVISIONS

* Denotes notice required by the Act

Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
173* Proposal to Restructure (for County proposals and proposals of lower tier municipalities)	Yes	Post on website Newspaper Media Release	21 days prior to public meeting
187 Change of Name of Municipality	N/A	Post on website Newspaper Media Release Written	Copy of by-law to the Director of Titles appointed under the <i>Land Titles Act</i> & to the Minister after by-law enacted
218(2)* & 219* Change Composition of Council	Yes	Post on website Newspaper Media Release	21 days prior to public meeting
218(3)* & 219* Number of Votes for Council Members	Yes	Post on website Newspaper Media Release	21 days prior to public meeting
218(4) & 219* Term of Office of Warden	Yes	Post on website Newspaper Media Release	21 days prior to public meeting

Schedule "A"

COUNTY OF GREY NOTICE PROVISIONS

* Denotes notice required by the *Act*

Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
238(2)* Procedural By-laws respecting Meeting Notice	N/A	Post on web site	As directed by By-law 5003-18
REGULATORY			
135(6)* Woodlands	N/A	Post by-law on website	As directed by the <i>Act</i>
270 Sale of Land	N/A	As directed by Policy G-GEN-003	As directed by Policy G-GEN-003
435* Power of Entry	N/A	As directed by the <i>Act</i>	As directed by the <i>Act</i>
PLANNING			
<p>*Notice requirements under the <i>Planning Act</i> where the County is the approval authority will be provided in accordance with the <i>Planning Act</i></p> <p>Official Plans and Official Plan Amendments (*Section 17 of the <i>Planning Act</i>)</p> <p>Plan of Subdivisions and Plan of Condominiums (*Section 51 of the <i>Planning Act</i>)</p>	Yes	<p>Written</p> <p>Newspaper (as required)</p> <p>Post on website</p> <p>Email</p>	As prescribed by the <i>Planning Act</i>