

# REPORT

## *Legislative Services*

**To:** Mayor Johnstone and Members of Council  
**Date:** August 28, 2023

**From:** Peter DeJong, Corporate Officer  
**File:** 05.1035.10

**Item #:** 2023-550

**Subject:** **Consideration of a Public Notice Bylaw No. 8417, 2023 to Provide for Alternative Methods of Publication**

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### **RECOMMENDATION**

THAT Council consider giving Public Notice Bylaw No. 8417, 2023, first, second and third readings; and

THAT Council direct that any statutory notices required pursuant to section 94 of the *Community Charter* to be given between August 28, 2023 and adoption of Public Notice Bylaw No. 8417, 2023 on or before September 11, 2023, be given in accordance with the means set out in the proposed Public Notice Bylaw No. 8417, 2023, pursuant to section 94.1(3) of the *Community Charter*.

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### **PURPOSE**

The purpose of this report is to seek Council endorsement of Public Notice Bylaw No. 8417, 2023, (the proposed Bylaw) in order to provide the public with two alternative means of notice, in response to the withdrawal of traditional print media in the City of New Westminster.

### **SUMMARY**

The proposed Bylaw seeks to amend the City's requirement of posting notices in accordance with section 94 of the *Community Charter*, namely, in two successive weekly editions of the local newspaper and instead, provide residents with official published notices via the City's email subscription service, Citypage Online, and on information

boards at both branch locations of the New Westminster Public Library; this is in addition to the official public notice posting places prescribed by the City's Council Procedure Bylaw No. 6910, 2004, as amended (the "Procedure Bylaw").

## **BACKGROUND**

The City of New Westminster is required to give public notice in accordance with section 94 of the *Community Charter* for various matters set out in the *Community Charter* and the *Local Government Act* (e.g.: the Annual Tax Sale and zoning bylaw amendments). Traditionally, this has meant using the public notice posting places as well as publishing in a newspaper that is distributed at least weekly in the area affected by the subject matter of the notice, once each week for two consecutive weeks; these are the default publication requirements in section 94 of the *Charter*. The City of New Westminster's Procedure Bylaw defines "public notice posting places" as City Hall and the City's Website (<https://www.newwestcity.ca/publicnotices>).

The *Community Charter* was recently amended by the *Municipal Affairs Statutes Amendment Act (Bill 26)* in order to provide municipalities and Regional Districts with an alternative to giving public notice via the default publication requirements.

It is worth noting that, prior to these amendments, the alternative means of publication authorized by the *Community Charter* in section 94.1(3) were difficult to meet logistically due to the need for Council resolutions each time an alternative means of notice was required. The onset of the COVID-19 pandemic marked a significant turning point in the ways residents interact with their local governments with the opportunity for increased communication via online platforms. *Bill 26* amended section 94 of the *Community Charter* to enable local governments to consider adopting a bylaw to provide for at least two alternative means of public notification instead of the required newspaper publishing; this is in addition to the official public notice posting places described in local government procedure bylaws.

In order to regulate alternative notice bylaws to ensure the means of publication meet certain criteria, the Province also enacted B.C. Reg. 52/2022, the Public Notice Regulation, with respect to the alternative means of public notice to require that Councils and Regional District Boards consider the following Principles of Effective Public Notice:

1. The means of publication should be *reliable*. In other words, the publication methods are dependable and trustworthy in the community. To meet the principle of reliability a Council should 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.
2. The means of publication should be *suitable* for providing notices. The publication methods work for the purpose of informing the community. To meet the principle of suitability a Council should 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.
3. The means of publication should be *accessible*. Namely, the publication methods are easily accessible for people and have broad reach in the community. To meet the principle of accessibility a Council should 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).

Currently, the City of New Westminster distributes a weekly e-newsletter, Citypage Online, to residents that have signed up to receive it. Citypage Online was developed a few years ago, pre-pandemic, in response to a shifting media landscape and an increasing move away from traditional print to online, with content (e.g. City events, public notices, City information, etc.) similar to that featured in Citypage, a regular advertising feature that the City has placed in a local newspaper since the 1990s. The overarching intent of Citypage Online is to provide an additional method for residents to receive regular updates on what is happening in the community and across all City departments and facilities.

## **ANALYSIS**

Until recently, the City of New Westminster published notices under section 94.1 of the *Community Charter*, the default publication requirements (see Attachment 1 for the relevant sections of the *Community Charter*). Because the status quo has been changed with the elimination of the printed version of the local newspaper as of August 10, 2023 (see Attachment 2 for the public notice provided by the newspaper), notices would have to be published in one of the major papers such as The Province newspaper.

Instead, staff are proposing a bylaw for alternative public notification to proceed with public notices via Citypage Online and notice boards at the two New Westminster Public Library branches; this is consistent with section 94.2 of the *Community Charter*. The decline of print media in New Westminster is a development that the provincial government anticipated could affect communities throughout British Columbia.

The City of New Westminster regularly reviews how residents and visitors obtain information from the City, including questions in public engagement processes about where and how residents found information. For example, a recent survey following the 2022 municipal election included such questions (see Attachment 3 for an excerpt from the survey report). The results indicate a large portion of participants were aware of and obtained information on the City's website.

The two proposed alternatives in the Bylaw meet the criteria in B.C. Reg. 52/2022 (see Attachment 4 for the Regulations) in that all residents may feel secure that the information is reliable, public notices can be fully represented on all platforms and that anyone may register for Citypage Online and/or view the public notices at the Library.

Citypage Online maintains a subscription base of approximately 2,000 individuals (as of August 14, 2023) and the City of New Westminster's Facebook page has about 12,000 followers. A link to the weekly Citypage Online newsletter is also shared on the City's Facebook page. As part of the shift to formalize alternative public notice within the proposed Bylaw, staff will elevate Citypage Online to a more prominent position within the City's communications framework with residents.

Library staff have agreed to print notices and post them to information boards at their two branches for the periods required by each notice. Current visitation is averaging just over 17,000/month at the main library and just over 4,000/month at the Queensborough branch.

The City will maintain physical posting of notices on the bulletin boards at City Hall and posting to the City's primary website in accordance with its Procedure Bylaw.

**DISCUSSION**

As the private media landscape continues to evolve and change, municipalities will need to continue using a variety of communications methods and stay on top of new platforms and trends to keep in touch with residents and maintain high levels of accessibility. The elimination of the City’s only remaining printed local newspaper necessitates that the City find alternative methods of providing public notice.

The new bylaw commits the City of New Westminster to post public notices under *Community Charter* in the following places:

- 1. Public Notice Posting Places;
  - a. The bulletin board at City Hall;
  - b. The City of New Westminster primary website;
- 2. Citypage Online; and
- 3. Information boards at the New Westminster Public Library branches.

Adoption of the proposed Bylaw represents the minimum public notification required by the City and does not restrict notices to only these locations. The City is free to post additional notices, as needed, in other places and mediums.

**SUSTAINABILITY IMPLICATIONS**

As the City increasingly moves to electronic and digital communications, there will be less paper required and offering a sustainable impact on the City’s carbon footprint and potential to meet legislated targets for reducing greenhouse gas emissions.

**FINANCIAL IMPLICATIONS**

The City of New Westminster has spent on average of approximately \$80,000 per year publishing Citypage and public notices in the local newspaper. With the elimination of the print edition of the local newspaper, it is anticipated that some savings will be realized by shifting legislated public notices to those methods described in the proposed Bylaw.

**INTERDEPARTMENTAL LIAISON**

This report was reviewed by the Corporate Officer, the Manager of Communications and the Manager of Public Engagement.

**OPTIONS**

1. THAT Council consider giving Public Notice Bylaw No. 8417, 2023, first, second and third readings; and
2. THAT Council pass a resolution to enable use of the proposed alternative means of public notice until the proposed bylaw is adopted; or
3. Provide staff with alternate direction.

Staff recommend options 1 and 2.

**CONCLUSION**

Due to the changing landscape of print media, the City of New Westminster is adopting alternative methods of public notice as made possible by the recent amendments to the *Community Charter*.

**ATTACHMENTS**

Attachment 1 – *The New Westminster Record* news article August 4, 2023

Attachment 2 – Excerpt From Election Feedback Survey Results

Attachment 3 – *Community Charter*, sections 94, 94.1 and 94.2

Attachment 4 – Public Notice Regulation (B.C. Reg. 52/2022)

Attachment 5 – Public Notice Bylaw No. 8417, 2023

**APPROVALS**

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