



City of Richmond

Report to Council

To: General Purposes Committee
From: Claudia Jesson
 Director, City Clerk's Office
Re: **Public Notice Bylaw No. 10520**

Date: November 21, 2023
File: 12-8060-02-01/2023-
 Vol 01

Staff Recommendations

1. That Council resolve that it has considered the principles prescribed by Public Notice Regulation B.C. Reg. 52/2022 in accordance with subsection 94.2(6)(a) of the *Community Charter*, SBC 2003, Chapter 26, as amended; and,
2. That the Public Notice Bylaw No. 10520, a bylaw to provide for alternative means of publishing a statutory notice, be introduced and given first, second and third readings.

Claudia Jesson
 Director, City Clerk's Office
 (604-276-4006)

Att. 2

REPORT CONCURRENCE		
ROUTED TO: Communications	CONCURRENCE <input checked="" type="checkbox"/>	CONCURRENCE OF GENERAL MANAGER
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

The City was recently advised by Glacier Media that the *Richmond News* newspaper will transition into a digital-only publication from December 1, 2023. Its final paper edition will be published on November 30, 2023. The *Richmond News* remains Richmond's only weekly English-language newspaper and its transition into a purely digital format will impact the way the City delivers statutory public notices in accordance with section 94 of the *Community Charter*.

The City currently publishes statutory notices in accordance with the default publication requirements which require that a notice must be published in a "newspaper" that is distributed weekly in the area for two consecutive weeks. In place of the default publication option, the *Community Charter* does provide the ability for a City to use alternative means of publication (i.e. a City website) if a bylaw is adopted for this purpose.

Accordingly, the purpose of this report is to propose Public Notice Bylaw 10520 to provide for alternative means of publication of statutory notices in response to the *Richmond News* ceasing its printed publication.

This report supports Council's Strategic Plan 2022-2026 Focus Area #1 Proactive in Stakeholder and Civic Engagement:

1.4 Leverage a variety of approaches to make civic engagement and participation easy and accessible.

Findings of Fact

The *Local Government Act* and the *Community Charter* require the City to provide public notice when undertaking certain actions. Common examples of such notices include public hearings, tax sales, permissive tax exemptions, highway closures and land dispositions.

The default publication requirements under section 94.1 (1)(a) and (b) of the *Community Charter* provides that notices must be published in the newspaper once each week for two consecutive weeks in a publication distributed weekly in the area affected by the subject matter of the notice. The City's primary publication to publish notices is the *Richmond News*. Statutory notices are also posted in City Hall's notice boards.

For clarification, the proposed Public Notice Bylaw only relates to the publication of statutory notices and does not impact nor does it relate to the existing Public Hearing and Development Permit hard-copy mail-out notification process.

Analysis

Proposed Public Notice Bylaw

There has been a growing trend for newspapers to transition to digital-only platforms. As such, an amendment to the *Community Charter* was enacted in 2022 allowing municipalities, by bylaw, to provide for alternative means of publishing a notice instead of mandatory use of a newspaper. A bylaw adopted under section 94.2 of the *Community Charter* must specify at least two means of publication by which a notice is to be published, in addition to posting in the City Hall notice boards. See Attachment 1 for applicable provisions of the *Community Charter*.

In addition to the amendment to the *Community Charter*, the Public Notice Regulation B.C. Reg. 52/2022 came into effect. The Regulation, appended as Attachment 2, sets out the principles for effective public notice which a Council must consider before adopting a public notice bylaw under Section 94.2. In summary, the Regulation requires Council to consider the following three principles:

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

The proposed Public Notice Bylaw No. 10520 will enable statutory notices to be provided electronically via the City's website and Facebook page. It should be noted that statutory notices would continue to be posted in the notice boards at City Hall. Providing statutory notices via the City's official website and Facebook page will reduce the reliance on external paid advertising to meet legislated statutory notice requirements. There will be no additional cost to the public and anyone with access to the internet (via mobile or desktop) will be able to view the notices at any time. Further benefits of this approach are that it will give the City control over the timing and publishing of the notices, enable real time updates and amendments if required, and reduce advertising costs. It should be noted that other municipalities who have had their local newspapers recently transition to digital only publications have adopted a similar approach to the proposed Bylaw No. 10520.

Next Steps

Should Council adopt the recommendations of this report, the earliest the proposed Bylaw 10520 could receive Final Adoption would be at the December 20th Special Open Council meeting. Until Bylaw No. 10520 is enacted, the City's statutory public notices will be published in either or both the Vancouver Sun and The Province newspapers to ensure that legislative requirements for statutory notices continue to be met. Use of the *Vancouver Sun/ Province* will be temporary and staff estimate that the City's digital platforms will be ready by the end of January 2024. This will enable the transition into digital publication of the statutory notices.

As we transition to the publication of online digital notices to meet legislative requirements, staff will explore additional options for public awareness methods to ensure the community is well-informed and has multiples options for accessing information, such as an email subscription

service and/or an online/electronic City newsletter. Staff will apprise Council of such opportunities accordingly.

Should Council adopt the proposed Public Notice Bylaw, staff will communicate this change through the City's website and social media channels as required.

Financial Impact

In the short-term, advertising costs may slightly increase for months of December and January, as the notices will be published in the *Vancouver Sun* or *Province*, which charge higher advertising rates. The transition to publishing notices electronically is expected to reduce costs and improve efficiency. Thus far, the advertising expenditures for statutory newspaper notices in 2023 is approximately \$40,000.

Conclusion

In response to the *Richmond News* ceasing its print publication, Public Notice Bylaw No. 10520 is proposed to ensure the legislative requirements are met by enabling the publication of statutory notices online.



Claudia Jesson
Director, City Clerk's Office
(604-276-4006)

CJ:eb

Attachments:

1. Community Charter, Section 94.2 "Bylaw to provide for alternative means of publication"
2. Public Notice Regulation B.C. Reg. 52/2022

ATTACHMENT 1

Bylaw to provide for alternative means of publication

94.2 (1) A council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (1) (a) and (b).

(2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting places.

(3) Subject to the regulations, a council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the council considers the principles prescribed by regulation under subsection (6) (a).

(4) Section 12 does not apply in relation to a council's authority to adopt a bylaw under this section.

(5) If a bylaw is adopted under this section, the applicable notice referred to in section 94 (1) (a)

(a) must be published by the means specified in that bylaw,

(b) subject to the regulations and unless this or another Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and

(c) if a period is prescribed for the purpose of this paragraph and unless this or another Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.

(6) The minister may make regulations as follows:

(a) prescribing the principles that must be considered before adopting a bylaw under this section;

(b) prescribing one of the means of publication that must be specified in a bylaw adopted under this section;

(c) requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;

(d) for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;

(e) for the purpose of subsection (5) (c), prescribing a period of time.

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.



Public Notice Bylaw No. 10520

PREAMBLE

WHEREAS the Council of the City of Richmond has considered the principles prescribed by regulation before adopting the Public Notice Bylaw No. 10520 in accordance with subsection 94.2(6)(a) of the Community Charter, SBC 2003, Chapter 26, as amended,

NOW THEREFORE, the Council of the City of Richmond enacts as follows:

PART ONE: CITATION

1.1 This Bylaw is cited as “Public Notice Bylaw No. 10520”.

PART TWO: INTERPRETATION

2.1 In this bylaw, unless the context otherwise requires:

- Bylaw** means this bylaw.
- City** means the City of Richmond.
- City’s Website** means the official website of the City of Richmond, www.richmond.ca.
- City’s Facebook Page** means the official Facebook page of the City of Richmond, www.facebook.com/cityofrichmondbc

PART THREE: INTERPRETATION

- 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 publishing the notice on the **City’s Website**; and
 - b. Electronically by publishing the notice on the **City’s Facebook Page**.

PART FOUR: SEVERABILITY

4.1 If any part, section, sub-section, clause or sub-clause of this **Bylaw** is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>JB</i>
APPROVED for legality by Solicitor
<i>ACI</i>

MAYOR

CORPORATE OFFICER