

**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.