

BY-LAW 2012-204

**A BY-LAW OF THE CITY OF GREATER SUDBURY
TO ADOPT A POLICY FOR THE PROVISION OF NOTICE TO THE PUBLIC
PURSUANT TO SECTION 270 OF *THE MUNICIPAL ACT, 2001***

WHEREAS section 5 of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that a municipal power be exercised by by-law;

AND WHEREAS section 270(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that a municipality adopt and maintain policies with respect to the 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;

AND WHEREAS several statutes require that a municipality provide notice to the public relating to certain matters and requires that notice be given in a specific form and manner;

AND WHEREAS the Council of the City of Greater Sudbury adopted the report of the Executive Director, Administrative Services with the title Notice Policy dated July 25, 2012;

AND WHEREAS the Council of the City of Greater Sudbury deems it desirable to adopt a new notice policy recognizes that with the widespread use of digital methods of communications in addition to newspapers, radio and television, there is a need to use varied and targeted means to communicate information about municipal affairs;

**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

Adoption of Policy

1. The City of Greater Sudbury Provision of Notice to the Public Policy, attached hereto as Schedule "A", is hereby adopted.

Transition

2. Despite anything to the contrary in this By-law, if notice of a matter listed in this By-law has been given or commenced before December 31, 2012 and as prescribed under By-law 2003-2 as it read immediately before its repeal, that notice is considered to be adequate as reasonable notice for the purpose of providing notice under this By-law.


Review

3. This By-law and Schedule "A" to this By-law shall be reviewed 4 years after this By-law comes into force.


Miscellaneous

4. The short title of Schedule "A" to this By-law shall be the "Notice Policy".
5. This By-law shall come into force and take effect on January 1, 2013.
6. This By-law repeals By-law 2003-2 and any amendments thereto.

READ AND PASSED IN OPEN COUNCIL this 30th day of October, 2012.



Mayor



Clerk

SCHEDULE "A" to BY-LAW 2012-204

CITY OF GREATER SUDBURY POLICY REGARDING NOTIFICATION TO THE PUBLIC

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Purpose of this Policy

1. This policy describes the circumstances in which notice shall be provided to the public and the form, manner, and timing of notice as required under section 270(1)4 of the *Municipal Act, 2001*.

Interpretation of this Policy

2. In this Policy:

- a. "City" means the City of Greater Sudbury;
- b. "Council" means the municipal council of the City of Greater Sudbury;
- c. "Council Procedure By-law" means By-law 2011-235 being A By- Law of the City of Greater Sudbury to Establish Procedures for the City Of Greater Sudbury, as amended and any successor by-law to that by-law;
- d. "Direct Delivery" means delivery to a specified address of addressed or unaddressed of print material, including lettermail or flyers, facsimile or email;
- e. "Municipal Body" means the Council, a committee of Council, a local board or advisory panel as defined by the Council Procedure By-law;
- f. "News Release" means a statement or message issued to local, regional or other news media by the City about current, recent or upcoming events;
- g. "Newspaper" means a document that:
 - i. is printed in sheet form, published at regular intervals of a week or less and circulated to the general public;
 - ii. consists primarily of news of current events of general interest; and
 - iii. for the purpose of this Policy circulated in the geographic area of the City of Greater Sudbury;
- h. "Print Material" means any print document including a flyer, brochure, letter or other form of paper document;
- i. "Public" means the persons of the City of Greater Sudbury, including the residents, citizens, taxpayers, whether natural persons or corporations;

- j. "Public Service Announcement" means an announcement by the City made for the purpose of informing the Public intended to benefit the Public;
 - k. "Radio" means the transmission of messages over radio frequency and for the purpose of this Policy refers to radio broadcasts received in the geographic area of the City of Greater Sudbury;
 - l. "Responsible Operating Department" is the City department responsible for the Notice Subject Matter;
 - m. "Website Posting" means a posting on www.greatersudbury.ca; and
 - n. "Social Media" means interactive online media for which the City maintains official City profiles or user accounts, including but not limited to FaceBook and Twitter.
3. References to any statutes or by-laws in this Policy include any amendments to the statute or by-law and includes any successor statute or by-law.
4. References to days in this Policy refers to business days and business days does not include days when Tom Davies Square is planned to be closed to the public.

Principles

5. When considering the appropriate form, manner, timing and content of notice for subject matters requiring notice in this Policy, the following principles shall be considered by the head of the Responsible Operating Department and the Manager of Corporate Communications:
- a. notice to the public should reflect the democratic process which includes opportunities for public input into decision making, either informally by making representations to their elected officials, or formally by way of written submissions or attendance at a public input session;
 - b. notice to the public may be delivered through a variety of manners appropriate for the audience and subject matter of the notice; and
 - c. what form, manner, timing and content is reasonable in the circumstances.

Requirement to Provide Notice

- 6. Notice of Municipal Body subject matter, including acts, activities, operations or decisions of a Municipal Body, shall be provided in accordance with this Policy.
- 7. Notice shall be provided in the form, content, manner and timing for the class of subject matter described in this Policy except where Council decides that another form, content, manner or timing of the notice is acceptable.

Notice Classification

- 8. The subject matter of the notice described in Column B of Table 1 (“Class Name”) is classified by the level (“Class Level”) appearing in Column A of Table 1.

Table 1

A	B
Class Level	Class Name
1	Prescribed Matters
2	Council, Committee, Local Board and Advisory Operating Process Matters
3	Routine Matters affecting the Public
4	Significant Matters affecting the Public or Substantive Matters affecting the City
5	Specific Matters affecting Identifiable Individuals, Groups or Geographic Areas
6	Urgent or Emergency Matters

Class Level 1-Prescribed Matters

- 9. Class Level 1 Notice Subject Matter includes any subject matter for which specific notice is required by federal or provincial statute, City by-law or written policy and excludes the Council Procedure By-law.

Class Level 2- Council, Committee, Local Board and Advisory Panel Operating Process

- 10. Class Level 2 Notice Subject matter includes any standard procedural matters, such as meetings of Municipal Bodies (open and closed) and the consideration of the passage of resolutions and by-laws by a Municipal Body.

Class Level 3-Routine Matters affecting the Public

- 11. Class Level 3 Notice Subject Matter includes any subject matter that is a matter of routine operational nature which has the potential to affect the Public, including but not limited to matters such as:

- a. planned service disruptions,
- b. construction updates,
- c. changes to meeting schedules,

- d. invitations to the public to attend events, including but not limited to:
 - i. public information sessions at which major projects are described,
 - ii. public information centres regarding projects of neighbourhood significance;
 - iii. public input sessions at which citizens may address Council, Committees or staff, and
 - iv. openings of programs or facilities.

Class Level 4- Significant Matters affecting the Public or Substantive Matters affecting the City

12. Class Level 4 Notice Subject Matter includes subject matter that represents a significant change to municipal operations or regulation which affect the Public, including but not limited to matters such as:

- a. input on new regulatory by-laws,
- b. input regarding the development of the municipal budget,
- c. development or review of major plans;
- d. proposed changes to the municipal governance structure; and
- e. significant changes to service delivery.

Class Level 5- Specific Matters affecting Identifiable Individuals, Groups or Geographic Areas

13. This class refers to defined and specific matters affecting a subset of the Public, including but not limited to, identifiable individuals, interested parties, specific communities or neighbourhoods, user groups, identifiable demographics or geographic areas. The Notice Subject Matter includes, but is not limited to:

- a. sale parcels of land with limited marketability;
- b. controlled access by-laws and amendments;
- c. road renaming, except where notice addressed by statute, and highway closing by-laws;
- d. consultation on localized road repairs where a Municipal Class Environmental Assessment is not required;

Class Level 6-Urgent or Emergency Matters

14. This class refers to subject matter which:

- a. in the opinion of the Chief Administrative Officer in consultation with the Mayor, is of an urgent nature which could affect the health and well-being of the Public; or
- b. which relates to the an emergency declared in accordance with the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9.

Content of the Notice to be Provided

15. Notice for all Class Levels shall be consistent with the City of Greater Sudbury French Language Services Policy, as amended, and shall contain all of the following, where applicable:

- a. Summary of the Notice Subject Matter;
- b. Date;
- c. Time;
- d. Title and contact information, including telephone number, email and mailing addresses, for the City staff person, partner, consultant or agent that can provide further information on the Notice Subject Matter;
- e. Location;
- f. Methods of obtaining further information;
- g. Opportunities for public input and how to register for such opportunities; and
- h. Accessibility tagline.

Additional Content

16. Where the subject matter of the notice may be classified in more than one class, the content of the notice in the highest class level shall apply.

17. Nothing in this Policy prohibits the giving of notice with content in addition to what is required by this Policy.

18. Class Level 4 Notice for planned service disruptions shall also contain the following content:

- a. the reason for the planned service disruption;
- b. the anticipated duration of the planned service disruption; and
- c. a description of any available alternate services.

Form, Manner and Timing of Notice

19. Notice may be provided in the following form and manners:

- a. News Release or Public Service Announcement;
- b. Website Posting;
- c. Newspaper advertisement;
- d. Radio advertisement;
- e. Social Media posting;
- f. Posting of the information in a conspicuous place or on the premises, where applicable; and
- g. Direct Delivery.

20. Where the subject matter of the notice may be classified in more than one class, the form, manner and timing of notice in the highest class level shall apply.

21. Nothing in this Policy prohibits the giving of notice in the form, manner and timing which provides a greater degree of notice than what is required by this Policy.

Class Level 1-Prescribed Matters

22. Class Level 1 notice shall be provided in the form, manner and time required by statute or by-law.

Class Level 2- Council, Committee, Local Board and Advisory Operating Process

23. Class Level 2 notice shall be provided in the form, manner and time required by the Council Procedure By-law.

24. Despite section 23 and article 48.08 of the Council Procedure By-law, meetings of Advisory Panels shall be in the form of Website Posting.

Class Level 3-Routine Matters affecting the Public-Timing

25. Notice for Class Level 3 shall be provided no less than 3 days prior to the Notice Subject Matter occurring.

Class Level 4- Significant Matters affecting the Public or Substantive Matters affecting the City-Timing

26. Class Level 4 notice shall be provided no less than 14 days prior to Notice Subject Matter occurring.

Class Levels 3 and 4- Form and Manner

27. Class Levels 3 and 4 notice shall be provided in one or more of the following forms and manners:

- a. News Release or Public Service Announcement;
- b. Website Posting;
- c. Newspaper advertisement;
- d. Radio advertisement;
- e. Social Media posting;
- f. Posting of the information in a conspicuous place or on the premises, where applicable; and
- g. Direct Delivery.

28. Class Levels 3 and 4 notice shall be provided to the Public.

29. For Class Level 4 notices, the Responsible Operating Department shall consult with Corporate Communications to develop a formal communication plan that will include education, awareness, strategies for citizen engagement and notice using a variety of methods.

Class Level 5- Specific Matters affecting Identifiable Individuals, Groups or Geographic Areas

30. Class Level 5 notice shall be provided no less than 3 days prior to Notice Subject Matter occurring.

31. Class Level 5 notice shall be provided to affected individuals as determined by the Responsible Operating Department and may include, but is not limited, to adjacent or abutting landowners, neighbourhood or community residents, particular demographics.

32. Class Level 5 notice shall be provided in the following form and manner:

- a. Direct Delivery; and
Website Posting.

Class Level 6-Urgent or Emergency Matters

33. The provisions of this Policy may be waived for Class Level 6 Notice Subject Matter but best efforts shall be made by the Responsible Operating Department to provide as much notice in a time and in a manner and form as is reasonable in the circumstances.

No Further Notice Required

34. Once notice has been given in accordance with this Policy, no further notice is required except where required by statute or by-law.

- a. For greater clarity, no further notice is required where a matter has been deferred or referred by a Municipal Body.

Provision of Additional Notice, etc.

35. Where the Manager of Corporate Communications finds additional measures, reasonable in the circumstances, nothing in this Policy prevents the provision of:

- a. Notice earlier than required;
- b. Additional content;

Notice in addition to the forms and manners required in this Policy.

Decision Valid

36. A decision, act or activity of a Municipal Body made without notice, without notice to persons or organizations entitled to receive notice, or with notice that was not provided in accordance with this Policy does not affect the legality or validity of the decision, act or activity.

Deemed Delivery

37. Direct delivery of notice is deemed effective on the third day after the day that the notice is sent.

Administration of this Policy

38. The Responsible Operating Department is responsible for the provision of Notice and the costs associated with the provision of Notice.

39. The Responsible Operating Department shall maintain evidence of the format, manner, timing and content of notice provided for each Notice Subject Matter for which it provides notice.

40. The Manager of Corporate Communications shall provide, as necessary, assistance to Responsible Operating Departments in determining the timing, format, content and manner of notice with identified Notice Subject Matter.
41. Where the Notice Subject Matter or any of the form, manner, content or timing of notice are not specified in this Policy, the Manager of Corporate Communications shall determine the form, manner, content, timing or subject matter of the notice to be given.
42. Corporate Communications shall be consulted when providing notice in order to ensure consistency and conformity in the provision of notice for all classes
43. Nothing in this Policy prohibits the development of a formal communication plan for matters requiring notice for any class level.