

POLICY & PROCEDURE MANUAL

SECTION	COUNCIL	POLICY NUMBER	1-2-3
SUB-SECTION	General Corporate Policy	EFFECTIVE DATE	June 12, 2015
SUBJECT	Notice Policy and Procedure		
AUTHORITY	General Government Services – May 26, 2015 Council – June 11, 2015 Amended – General Government Services – August 23, 2018 Amended – Council – September 13, 2018		

PURPOSE:

To provide for the form, manner and timing in which the County shall provide notice to the public and/or its stakeholder where notice is appropriate and/or prescribed pursuant to the Municipal Act, 2001.

STATEMENT:

In accordance with the *Municipal Act, 2001*, a municipality shall adopt and maintain policies with respect to providing notice to the public and, the form, manner and times notice shall be given.

SCOPE:

This policy applies to public notices issued by the County of Dufferin, pursuant to the Municipal Act, 2001, with the following exceptions:

- a) Where notice is otherwise prescribed by statute, regulation, County By-law or other policy;
- b) Where Council directs an alternate form or manner of public notice or deems that notice is not required;
- c) Where notice requirements may need to be altered pursuant to an Emergency Provision.

DEFINITIONS:

“Council” means the Council of the Corporation of the County of Dufferin

“Day” means calendar day

“Posted” means electronically publishing the notice

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“Public Notice” means a written, published and or printed notification given to the public generally, but does not include notice given only to a specified person

“Website” means the County of Dufferin website www.dufferincounty.ca

GUIDING PRINCIPLES

The County of Dufferin shall demonstrate adherence to the notice provisions of legislation, as well as any County by-laws and policies containing notice requirements, based on the following principles:

- (a) Stakeholders and public have the right to be informed as to what, when and where the business of the municipality is being conducted;
- (b) Notice should be timely in accordance with the scope and magnitude of the issue or as prescribed by legislation, by-law or policy;
- (c) Notice is to be given in such a manner as to reach the largest broadcast audience affected by the issue or matter;
- (d) Consideration is to be given to ensuring information is accessible, in a useful format that is easy to understand, and is inclusive and respectful to all citizens;
- (e) Consideration is to be given to providing direct notice for those individuals or stakeholders directly impacted, where reasonable and appropriate;

PROCEDURE:

All County staff is to adhere to and consider the application of this policy when determining whether notice is appropriate, as well as the form and manner in which such notice should be given.

Provision of Notice

Where notice is required, including notice of intention to pass a by-law, or notice of a public meeting is required; the notice shall be given pursuant to Schedule A as attached.

The provision of notice may also be in the form of direct delivery, including hand delivery, direct mail, facsimile and email, posting on website, newspapers, location signs, radio and television (e.g. media releases).

Time of Notice

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

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General

Where separate by-laws and/or policies have been enacted in accordance with the provisions contained in legislation, the notice provisions set out in such by-laws and policies shall prevail.

Application

The requirement to give reasonable notice to the public shall be deemed fulfilled upon completion of the actions dictated in this procedure.

The notice requirements set out in this policy are minimum requirements. Nothing in this policy shall prevent the use of more comprehensive methods of providing notice or providing longer periods of notice at the discretion of the Clerk/Director of Corporate Services.

Given the geographic size of the County and the cost associated with newspaper advertisements, this form of public notice is to be limited in its use. Where newspapers are utilized to provide notice, the Clerk/Director of Corporate Services shall determine the most appropriate newspaper(s) to use in a particular notice. The decision shall be based on the citizens affected by the particular subject matter.

Where public notice is desired but not legislated through this procedure or other legislative means, the notice undertaken by the County should reflect the magnitude and complexity of the issue/initiative and desired goal or outcome. In selecting the appropriate notice beyond the scope of this procedure the following four recognized types of public engagement will be considered:

- To inform-provide information to assist in understanding the initiative, alternatives, opportunities or solutions;
- To consult-obtain feedback on analysis, alternatives and/or decisions;
- To involve-work directly with the community throughout the process to ensure concerns and aspirations are understood; and
- To collaborate-partner with the community in the development of a decision to seek alternatives and/or a preferred solution.

The determination of appropriate notice beyond the scope of this procedure will be at the discretion of the Clerk/Director of Corporate Services.

Emergency Provisions

This procedure applies except where the Warden, in consultation with the Chief Administrative Officer, determines that notice should be waived due to emergency, urgency or time sensitivity situations or situations which could affect the health and wellbeing of the residents of Dufferin County. Council shall be informed by email if an exemption is applied.

Responsibility

It is the responsibility of the appropriate Director in conjunction with the Clerk/Director of Corporate Services to ensure notice requirements applicable to their department are met.

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Policy Maintenance and Amendments

Every effort will be made to maintain this policy within currently prescribed requirements and will be amended to reflect those changes.

This policy will be reviewed a minimum of once per Council term to ensure its effectiveness.

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Schedule "A"
County of Dufferin Notice Provisions
***Denotes notice required by the Act**

Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
Financial			
Agreements for Municipal Capital Facilities- Assistance by Municipality Municipal Act-Section 110 (3)*	No	Written	As prescribed by the Act
Agreement for Municipal Capital Facilities – Tax Exemption By-law Municipal Act-Section 110 (8)*	No	Written	As prescribed by the Act
Financial Statements Within 60 days after receiving the audited financial statements Municipal Act-Section 295 (1)*	No	Newspaper Post on website	As prescribed by the Act
User Fee By-law Amendment	No	Post on website	Friday prior to date of consideration of Standing Committee
Governance			
Proposal to Restructure Municipal Act-Section 173*	Yes	Post on website Newspaper	14 days prior to public meeting
Change of Name of Municipality Municipal Act-Section 187	No	Post on website	
Change Composition of Council Municipal Act-Section 218(2) & 219*	Yes	Post on website Newspaper	14 days prior to public meeting
Number of Votes for Council Members Municipal Act-Section 218 (3) & 219*	Yes	Post on website Newspaper	14 days prior to public meeting
Procedural By-law Amendments Municipal Act-Section 238*	No	Post on website and give notice on previous agenda	Notice on prior council agenda and on website Friday prior to meeting
Planning			
Notice requirements under the Planning Act where the County is the approval authority. Official Plans and Official Plan Amendments Planning Act – Section 17 Plan of Subdivisions and Plan of Condominiums	Yes	Written Newspaper (as required) Post on website	As prescribed by the Planning Act

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Subject	Public Meeting Requirement	Provision of Notice	Time of Notice
Planning Act – Section 51*			
Regulatory			
*Sale of Land (By-law 2007-49) Municipal Act-Section 270 (Amended by Council September 13, 2018)	No	Post on website and at the discretion of Clerk	Within two (2) weeks of Council declaring the land surplus
Power of Entry Municipal Act – Section 435	No	As directed by the Act	As directed by the Act
Transportation Services			
Permanent Closure of a Highway Municipal Act-Section 34(1)	No	Signage posted Post on website	30 days prior to enactment of by-law
Temporary closure of a highway for construction	No	Post on Website Signage Posted Written to adjacent property owners	Update website as necessary Signage posted as soon as practical
Changing Name of Highway	No	Post on website Signage posted	30 days prior to enactment of by-law