



Council Report

Report Number: CLK2023-005
Meeting Date: November 25, 2023
Title: Notice By-law Update
Description: Update to Reflect Loss of Printed Community Newspaper
Author and Title: Joel Watts, Deputy Clerk

Recommendation(s):

That Report CLK2023-005, **Notice By-law Update**, be received;

That modifications to the Notice By-law to reflect the loss of printed Community Newspapers with sufficient circulation in the municipality, be approved;

That the By-law, substantially in the form attached as Appendix A to Report CLK2023-005, be brought forward for adoption; and

That a by-law to repeal By-Law 2015-095, being A By-Law to Outline the Form, Manner and Timing of the Provision of Notices Required Under the Municipal Act, 2001, be brought forward for adoption.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Committee of the Whole Meeting of November 7, 2023, Council received a presentation from Manager of Communications Advertising and Marketing, Cheri Davidson, outlining the issues arising from the loss of printed version of the major community newspaper, Kawartha Lakes This Week. This report addresses the ramifications to the existing Notice By-law 2015-095 that would have required the municipality to advertise in a newspaper that either no longer exists, or meets sufficient circulation within the municipality with weekly distribution.

It should also be further noted that the City's Notice By-law only deals with Notice Requirements under the Municipal Act, as this is the requirement under Section 270 of the Act. Other notices that are required under other Acts (Heritage, Planning Municipal Election, Environmental Assessment, Drainage, etc.) have largely been amended already to remove references to newspapers. Ongoing advocacy from various Municipal Groups, such as AMCTO (the Association of Municipal Managers, Clerks and Treasurers of Ontario) continue to lobby the Provincial Government to amend outstanding legislation and regulation to remove requirements to exclusively advertise in newspapers.

Rationale:

The Office of the City Clerk which has responsibility for the existing Notice By-law 2015-095 has consulted with the Communications, Advertising and Marketing division of the Corporate Services Department, and has determined that the best recommended approach would be to repeal and replace the existing Notice By-law with a similar Notice By-law that no longer references 'newspapers'. The major proposed changes to the By-law are as follows:

- The most significant change is to replace all references to **newspaper** in the By-law and replace it with the term **Third Party Media**. The City will define Third Party Media as meaning:

A non-City publication in print or digital format with reasonable reach to community affected by the notice. This may include but not be limited to: **paid social media, digital advertising, traditional media (radio, television, outdoor) and printed publications such as newspapers, magazines, or other direct mail publications.** This does not include unpaid social media posts, press releases, or emails from the City.

This approach allows significant flexibility to staff to use alternative methods of advertising where a newspaper is not available. However, should there be future changes in the media market in Kawartha Lakes including the addition of a weekly newspaper with sufficient circulation, Staff would still be permitted to use that as an effective notice tool.

Previously, the Notice By-law required advertising in the newspaper when the issues being advertised could have significant effect or have legal implications to the residents of Kawartha Lakes. Staff agree that there continue to be many times where the municipality should keep an **Above and Beyond Approach**. This means that for many routine updates, our regular municipal communication tools are sufficient: Website Update, Press Release, Social Media, Posted notices in municipal buildings, etc. However, for issues of significance, a requirement for advertising in Third Party Media would signal an above and beyond approach beyond the municipality's communication tools. This typically would require the municipality to pay another media provider to advertise the notice in some other means that meet the Third Party Media definition. Using this approach ensures reach beyond those who do follow our municipal communication tools, and provide reach into groups of residents who do not actively follow the municipality.

The proposed By-law also makes slight alterations to the language of the notice requirement where newspaper specific language was used (e.g. Number of weeks, issues, or size of ad). The intent of the new By-law is to provide flexibility where Third Party Media is required that would meet the unique need of the notice requirement. This may continue including using existing printed publications or newspapers based out of neighbouring municipalities. The flexibility also allows staff to use other future creative solutions not yet known to staff at this time. Under the proposed Notice By-law, the responsible Director of the Department leading the notice (or their delegate) under the Municipal Act will determine the best Third Party Media strategy in consultation with the Communications Advertising and Marketing Division and budgetary requirements.

- Staff recommend deletions of some definitions that do not appear in the body of the existing By-law itself (accountability, transparency). Further updates to other definitions (Social Media, City Website, various job titles) are recommended to reflect up to date terminology.
- An additional exception to the Notice Requirements of the By-law is also recommended where the required form of the required notice is not available due to lack of Third Party Media resources, technological changes, or other

government or industry regulation. This exception is not intended to be used to prevent notice from being issued, but rather to allow for signification shifts in notice delivery when the media market undergoes major changes.

- Minor formatting, and accessibility improvements to the By-law.

Other Alternatives Considered:

As the Notice By-law is required under Section 270 of the Municipal Act, the Municipality must have a Notice By-law to regulate the manner of giving notice under the Act. Repealing the existing By-law and not replacing would be a violation of the Act.

Some consideration was made to including notice requirements for other Acts (e.g. Heritage, Planning, Sale of Land, etc.) in the Notice By-law. Staff find that other policies and by-laws can continue be effectively used and amended to update their specific notice requirements without a complete overhaul of the Notice By-law. This will keep the Notice By-law narrow in scope on the Municipal Act.

Further consideration was also made to update the Notice By-law where it referenced a requirement to advertise in the newspaper and replace it with solely a notice on the City's website. Staff feel this did not meet the Above and Beyond Approach for these issue of significance, and staff remain committed to use Third Party Media resources to ensure reach beyond our own resources.

Alignment to Strategic Priorities

An up to date Notice By-law fulfills the Strategic Priority of Good Government, as it ensures the government is taking open, transparent, and responsibly appropriate steps to keep in touch with the residents and stakeholders of the municipality.

Financial/Operation Impacts:

Advertising lines in the City budget will continue to be monitored as notices shift from printed advertising (such as newspapers) to the variety of Third Party Media options available. Variances are anticipated as print advertising typically trended higher in expenditures than other online media. However, Third Party Media also allows for a transition to traditional media or direct mail, both of which may be comparable or even more costly in price to a traditional print ad in a newspaper.

Consultations:

City Clerk

Manager of Communications Advertising and Marketing

Attachments:

Appendix A – Draft Notice By-law



CLK2023-005
Appendix A.pdf

Department Head email:

Department Head: