

	<b>NOTICE POLICY</b> <b>Schedule "A" to By-Law 53-2008</b>	
Policy #:CS-015	Issued: July 24, 2006	Reviewed/Revised: April 28, 2008
Prepared By:	Reviewed By: J. Astrologo	Approved By:

### 1.0 PURPOSE

The purpose of the policy is to enhance the accountability and transparency of municipal decision-making by providing guidelines, in accordance with the Municipality's obligations under the *Municipal Act, 2001*, 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.

### 2.0 SCOPE

This policy applies to Town Council and staff with respect to the provision of notice to the public of certain actions or decisions to be undertaken or made by the Municipality.

### 3.0 DEFINITIONS

In this policy:

**Act** shall mean the *Municipal Act, 2001* S.O. 2001, c.25;

**Clerk** shall mean the Clerk of the Municipality;

**Council** shall mean the Council of the Municipality;

**Deposits** shall mean any security, indemnity, and or expense deposit in accordance with the most current by respecting fees and charges;

**Municipality** shall mean The Corporation of the Town of Kingsville;

**Newspaper** shall mean a printed publication in sheet form intended for general circulation published regularly at intervals of not longer than a week consisting in great part of the news of current events of general interest and sold/circulated to the public and to regular subscribers;

**Notice** shall mean a written, printed, published or posted notification or announcement given to the public or to those persons who may be affected, or to an individual who may be affected;

**Town Website** shall mean the official website of the Municipality.

#### **4.0 REFERENCE DOCUMENTS**

Municipal Act, 2001

#### **5.0 RESPONSIBILITIES**

It is the responsibility of all staff and Council to adhere to this Notice Policy.

#### **6.0 PROCEDURE**

- 6.1 Where Notice of a public meeting is required to be given or notice of intention to pass a by-law is required to be given, such Notice shall be provided in the time frame prescribed in the Act or its regulations and if not so prescribed, Notice shall be given at least once not less than seven days nor more than thirty days prior to the proposed notice of intention to pass a by-law or notice of a public meeting.
- 6.2 Where the Municipality is required to give Notice under a provision of any statute or regulation, the Notice shall be given in a form and manner and at the times indicated in this policy, unless:
  - 6.2.1 the applicable statute or regulation prescribes or permits otherwise;
  - 6.2.2 the requirements for Notice are prescribed in another by-law or resolution; or
  - 6.2.3 Council directs by resolution a method by which Notice is to be given that Council considers adequate to give reasonable Notice under the provision.
- 6.3 Where there is a conflict between this notice policy and provision of any statute or of another by-law, the statute or the by-law shall apply.
- 6.4 Where a Notice does not strictly comply with the provisions hereof but would substantially inform a reasonable person of the subject matter to which the Notice relates, the Notice shall be deemed to be adequate and in compliance with this policy.

- 6.5 Where a Notice is required under any statute but is not provided for specifically in this policy, a Notice which would substantially inform a reasonable person of the subject matter to which the Notice relates, shall be deemed to be adequate and in compliance with this policy.
- 6.6 If the proposed by-law is not passed at the Council meeting specified in a Notice but consideration of the matter is deferred, no further Notice is required if a public statement is made at the meeting that the matter has been deferred and that the Municipality now intends to adopt or amend the by-law at a later Council meeting specified in the public statement.

## **Notice Requirements**

### **(i) Method of Notice**

- 6.7 The following shall be deemed appropriate methods of Notice:
- 1st Class Mail
  - Posting on the Municipal Office Bulletin Board/Road Sign at 2021 Division Road North, Kingsville
  - Posting on the Town's Website
  - Personal Email
  - Advertising in local newspaper with appropriate circulation area (at the discretion of the Clerk)
  - Listing ad identifying the subject matter on a Regular Meeting Council Agenda

### **(ii) Form/Content of Notice**

- 6.8 Unless otherwise prescribed in the Act or its regulations where notice of intention to pass a by-law or Notice of a public meeting is required to be given, the form and content of the Notice shall include the following information:
- a general description of the subject matter under consideration or otherwise involved;
  - the purpose of any meeting of which Notice is required to be given or the purpose and effect of the proposed action;
  - identification of the authority under which Notice is being given;
  - date, time and location of any meeting at which the subject matter will be considered of which Notice is required to be given;

- where the matter relates to a defined location, sufficient particulars of the location to identify it generally, such as reference to a municipal address or road intersection, or a legal description or plan;
- general provisions guiding the submission of information by delegation to any meeting referred to in the Notice;
- instruction on obtaining any additional information which may be made available by the Municipality, including name, address, phone number and fax number of any office providing Notice;
- details on required actions and time frames; and
- be clearly identified as a Notice given by the Municipality.

**(iii) Emergency Provisions**

6.9 In the event of circumstances which, in the opinion of the Head of Council, are considered to be of an urgent or time sensitive nature, and which may affect the health, safety or physical security of residents of the Municipality, or if a State of Emergency is declared, the requirements of this Notice Policy may be suspended by the Head of Council, and best efforts shall be made by the Clerk to provide as much Notice as is reasonable under the circumstances.

6.10 If a by-law is passed in the case of an emergency without complying with the provisions of this Notice, the Council shall, as soon as is practical after its passage, hold the meeting and give the required Notice and may, after that meeting, amend or repeal the by-law without the requirement of a further meeting.

**(iv) Purpose of Notice to be Provided**

6.11 The Municipality's Procedure By-law provides for notice of meetings of Council and Committees.

6.12 The following Notice shall be given for any of the below listed actions or decisions:

Road closings	Once per week for three successive weeks in local newspaper
Naming of highways/private roads	Once thirty days in advance of meeting
Sale of land	Four weeks in advance of meeting

Adoption of budget/budget amendments	Two weeks in advance of meeting
Financial Statements	Published within 60 days after receipt of audited financial statements
Amendments to waste disposal schedule	Two weeks in advance of meeting
Office hours	Two weeks in advance of meeting
Service fees and charges	Two weeks in advance of meeting
Improvements to service	Twenty-one days in advance of meeting
Forfeiting Unclaimed Deposits	Once in the local newspaper, 6 months prior to the forfeit deadline

Any other matter which may arise and Council identifies as warranting public notice.

**(v) Other**

- 6.13 Where expenditure estimates approved in the budget have been subject to quotations or tenders quoting an amount greater than the estimated expenditure, the approval process set out under the Municipality's Procurement of Goods and/or Services Policy, shall apply and Notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee Agenda with the notation "Amendment to Budget", shall constitute sufficient Notice.
- 6.14 New projects that have not been included in the annual budget shall be detailed in a staff report and Notice of such amendment to the budget shall be included in the report and the printing of this item on the Council and/or Committee Agenda with the notation "Amendment to Budget" shall constitute sufficient Notice.
- 6.15 Normal operating costs incurred prior to the adoption of the annual budget shall not require Notice and approval of such expenditures shall be deemed ratified upon the adoption of the annual budget.
- 6.16 Where separate by-laws/policies have been enacted in accordance with provisions contained in the Act, the Notice provisions set out in such by-laws shall prevail.
- 6.17 No Notice shall be required under this policy where the provision of Notice will interfere with the ability of Council to conduct business with respect to a matter permitted for a closed session under Section 239 of the Act.

6.18 Nothing in this Notice shall prevent the Clerk from using more comprehensive methods of Notice or providing for a longer notice period.

## 7.0 REVIEW/REVISIONS

No.	Revision Details (incl. provision #)	Revision By	Date
1.	Transferred Policy into revised Policy Template; added definition of Deposit; added notice period for Forfeiting Unclaimed Deposits;	A. Plancke	April 13, 2018
2.	Revised formatting; added paragraph numbering; corrected minor typographical errors; revised Policy Scope and Purpose; revised section 6 (iv) for clarity;	J. Astrologo	May 1, 2018
3.			
4.			

Questions about this policy can be referred to the Director of Corporate Services.