



Staff Report for Budget Committee of the Whole Meeting

Date of Meeting: October 22, 2019

Report Number: SRCFS.19.044

Department: Corporate and Financial Services

Division: Office of the Clerk

Subject: **SRCFS.19.044 – Liberal Advertising Contact and Notice Policy**

Purpose:

To recommend changes to the City's approach to advertising in the Richmond Hill Liberal, including necessary budget, policy and by-law amendments.

Recommendation(s):

- a) That the Office of the Clerk's 2020 Operating Budget for Advertising expenses be reduced to \$65,000, representing a savings of \$101,200.
- b) That Council approve the changes to the manner in which the City provides public notices and advertises services and events, as generally described in staff report SRCFS.19.044.
- c) That a By-law to repeal and replace Notice By-Law 170-07, being Chapter 278 of the Municipal Code, as generally described in staff report SRCFS.19.44, be enacted.
- d) That all Council approved policies requiring newspaper notices be deemed amended to only require website and other digital media notices.

Contact Person:

Stephen M.A. Huycke, Director, Legislative Services/City Clerk, extension 2529
 Meeta Gandhi, Director, Strategy, Innovation and Engagement, extension 6311
 Kathleen Graver, Manager, Communications Services, extension 2418

Report Approval:

Submitted by: Mary-Anne Dempster, Commissioner of Corporate and Financial Services

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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Background:

The City publishes the “Bulletin Board” in the Richmond Hill Liberal newspaper (the “Liberal”) on a weekly basis. The Bulletin Board includes advertisements of City services, activities and events, public notices required under the City’s Notice By-law, as well as notices required under provincial legislation. The Bulletin Board is generally two (2) full pages in the Liberal on a weekly basis every month, with the exception of July and August. The City budgets \$166,200 annually for advertisement expenses. This amount is offset by an advertising revenue budget of \$55,000. Advertising revenue is collected from development and other application fees.

Over the last several years, the City has increased its digital presence by implementing a new website and continues to increase its use of social media. Additionally, the province has amended many pieces of provincial legislation by removing the requirement for newspaper advertisements when giving public notice. It is recommended that the City stop publishing the weekly Bulletin Board beginning in 2020. It is also recommended that statutory and other public notices only be published in the Liberal on an as needed basis as described in this report.

Notices and Advertisements Types

The City’s advertisements in the Liberal fall into three general categories:

1. Statutory/Public Notices where a newspaper advertisement is mandatory or for which there is no reasonable alternative to a newspaper advertisement;
2. Statutory/Public Notices where a newspaper advertisements is not mandatory or there is a reasonable alternative to a newspaper advertisement; and
3. Discretionary advertisements and notices.

Between 2016 and 2018, the City published an average of 700 individual advertisements in the Liberal each year. Approximately 73% of these were discretionary advertisements and notices. Only 27% percent of all advertisements were statutory notices. However, statutory notices are generally 3 to 4 times larger than discretionary advertisements due to the content requirements in provincial legislation.

Statutory/Public Notices – Mandatory

Under various legislation, the City is obligated to place a notice in a newspaper. Additionally, under provincial legislation, there are circumstances where there is no reasonable or cost effective alternative manner in which to give public notice. For example, under the *Planning Act* and *Development Charges Act* only newspaper notices are a reasonable of cost effective manner to give notice related to City-wide Official Plans, comprehensive Zoning By-law amendments and Developments Charges. Under both Acts, the only alternative would be to mail an individually addressed letter to every affected property owner. For City-wide changes that could be more than 55,000 letters at an estimated postage cost of at least \$48,000. It is therefore recommended that the City continue to purchase individual advertisements in the Liberal only on an as

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needed basis for all mandatory statutory/public notices, where directed by the Local Planning Appeal Tribunal or other provincial agencies (e.g. the Assessment Review Board), or where no other reasonable or cost effective alternative exists.

Statutory/Public Notices – Non-Mandatory

In some circumstances, provincial legislation permits public notice in alternative formats to traditional newspaper advertisements. For example, under the *Planning Act*, when giving notice of public hearings (e.g. Council Public Meetings) the City can choose between: a) posting a sign on the affected property and mailing notices to property owners within 120 meters of the property; or b) placing a notice in a newspaper. It is recommended that when a newspaper notice is not mandatory, or a reasonable alternative to a newspaper notice exists, that the City cease publishing a newspaper notice. Any such notice will be electronically published on a dedicated webpage (“public notice webpage”). Additionally, the City would use the reasonable alternative method of notice if required (e.g. mailings and signs).

Discretionary Notices and Advertisements

As noted above, approximately 73% of the Bulletin Board advertisements and notices are discretionary. These include, among others, notices of community events and programs, a list of upcoming Council/Committee meeting dates, open houses, consultations and surveys, proclamations and Council greetings. It is recommended that the City stop publishing all discretionary notices and advertisements in the *Liberal* starting in January 2020. The City could continue to use available digital platforms (website and social media). Individual departments may purchase discretionary newspaper advertisements on an as needed basis subject to that department having available budget.

Notice By-law and Policy Amendments

To implement the above noted proposed changes the City needs to amend Chapter 278 of the Municipal Code (“Chapter 278”), and other City policies.

Chapter 278 was amended in 2007 when Council enacted By-law 170-07 (Attachment “A”). Chapter 278 of the Municipal Code meets the City’s obligation under Section 270(1)4 of the *Municipal Act, 2010*, to adopt and maintain a policy regarding “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 related to the giving of notice to the public. It is recommended that Article 3 of Chapter 278 of the Municipal Code be amended by deleting Section 278.3.1. Currently, Section 278.3.1 requires publishing a notice in a newspaper when not otherwise prescribed in provincial legislation, or where the City is taking any of the following actions:

1. permanently closing a highway;
2. changing the name of a highway;
3. passing a by-law respecting advertising devices, including signs;

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4. licensing, regulating and governing any business wholly or partly carried on within the municipality;
5. changing its name;
6. changing the composition of Council;
7. dividing or re-dividing the municipality into wards or dissolving existing wards; and/or
8. adopting a budget.

By deleting section 278.3.1, the City's Notice By-law will only require notices to be published on the City's website. It is also recommended that the Notice By-law be updated to include the publishing of notices that the City is required to give under Part IV of the *Ontario Heritage Act* ("Heritage Act") on the website. Section 26(4) of the Heritage Act states:

"Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the Municipal Act, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper."

If the Notice By-law is updated to include applications under Part IV of the Heritage Act, the City will no longer be required to publish these notices in the newspaper.

Many other City policies require staff to provide notice in a community newspaper. For example, the advisory committee appointment policy and proclamation policy both require advertisements in the *Liberal*. It is recommended that all City policies that require a newspaper advertisement be deemed to be amended to require that notices only be published on the website.

Financial/Staffing/Other Implications:

The City currently budgets \$166,200 for advertising expenses. This amount is offset by \$55,000 in advertising revenue collected as part of various development applications. It is recommended that the Office of the Clerk's 2020 advertising expenses budget be reduced to \$65,000. This represents a reduction of \$101,200 or 61%. The revised advertising expense budget includes the \$55,000 currently budgeted as advertising revenue and an additional \$10,000 for any mandatory advertisement during at least the first year transition to the new approach to advertising.

Relationship to the Strategic Plan:

Changes to the City's approach to advertising is related to the strategic plan goal of Wise Management of Resources.

Conclusion:

Staff recommend that the Office of the Clerk's annual advertising expense budget be reduced to \$65,000, representing a savings of \$101,200 or 61%. To meet this, changes

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to the way in which the City advertises are proposed. It is recommended that newspaper advertisements be replaced with notices published on the website where ever possible, and that any necessary by-law or policy update be approved. Upon approval of Council, staff will adjust the City's administrative practices to transition from newspaper advertisements to digital posting.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call the contact person listed in this document.

- Attachment A: Chapter 278 of the Municipal Code (Public Notice)

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Report Approval Details

Document Title:	SRCFS.19.044 - Liberal Advertising Contract and Notice Policy.docx
Attachments:	- Attachement A -SRCFS.19.044 - Municipal Code Chapter 278.docx
Final Approval Date:	Oct 15, 2019

This report and all of its attachments were approved and signed as outlined below:

Meeta Gandhi - Oct 10, 2019 - 3:48 PM

MaryAnne Dempster - Oct 10, 2019 - 3:54 PM

Neil Garbe - Oct 15, 2019 - 10:01 AM