

June 3, 2021

REPORT TO: Administration & Finance Executive Committee

FROM: Elizabeth (Lisa) Slomke, AOMC
Municipal Clerk

SUBJECT: Notice By-law Review

BACKGROUND INFORMATION

The *Municipal Act, 2001*, section 270 (1) indicates that Ontario municipalities shall have a policy that addresses the circumstances, form and manner that notice must be provided to the public (excerpt attached). Similar to the procedural by-law, the legislation does not provide Ontario municipalities with details as to what should or should not be included in a notice policy.

The current Town of Fort Frances Notice By-law 64/02 (attached) was created in 2002 and a thorough review has not been undertaken in several years. There is no legislated requirement to complete scheduled reviews, but as the provincial legislation is amended, in many instances it becomes necessary to amend the by-law / policy. Many municipalities have adopted the practice of reviewing these types of documents at least once per term of Council.

After a cursory review of the Town of Fort Frances' Notice By-law, I want to point out that many of the sections of the *Municipal Act, 2001* that are quoted in the by-law and Schedule have been amended or repealed. There are also some sections quoted word for word with what the *Municipal Act, 2001* states, which is duplication. If the notice provisions are included in the *Municipal Act, 2001*, then repeating it is redundant and potentially poses an issue should the *Municipal Act, 2001* change (and it does often).

NEXT STEPS

Due to the fact that the existing Notice By-law is almost 20 years old, I recommend that a complete review/rewrite take place. Council has the option of determining whether this remain a by-law or be switched to a policy.

****excerpt from the Municipal Act, 2001**

Adoption of policies

270 (1) A municipality shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
- 2.1 The relationship between members of council and the officers and employees of the municipality.
3. Its procurement of goods and services.
4. 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.
5. The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.
6. The delegation of its powers and duties.
7. The manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.
8. Pregnancy leaves and parental leaves of members of council. 2006, c. 32, Sched. A, s. 113; 2017, c. 10, Sched. 1, s. 32.