

# COUNCIL REPORT

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Date: July 24, 2024  
File: 1.2.1.13  
To: Warren Waycheshen, CAO - for Mayor and Council  
From: Kiona Enders, Deputy CAO  
Re: Public Notice Advertising Bylaw No. 2055, 2024  
Applicant: n/a  
Location: n/a



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## **Recommendation:**

Action: Council consider Bylaw No. 2055, 2024 for first three readings.

## **Recommended Motion:**

**THAT Council, having first considered the principles set out in Public Notice Regulation 52/2022, gives Public Notice Advertising Bylaw No. 2055, 2024 first three readings.**

## **Background:**

At the June 17, 2024 Regular Meeting Council passed the following motion:

*THAT a bylaw be considered under section 94.2 of the Community Charter. (R24-155)*

Section 94 of the *Community Charter* sets out the regulations for publication of a Public Notice. Public Notices are required in instances when a Public Hearing is to be held, when Council proposes to dispose of land, or changes to Council procedure. Currently the District follows 94.1 of the *Community Charter* and publishes notice in a newspaper for two consecutive weeks.

The Community Charter under section 94.2 allows a Council, by bylaw, to provide for an alternative way of providing notice of a Public Notice. Staff is proposing Bylaw No. 2055, 2024 to provide two alternative means of providing this notice, one through the District of Kitimat Facebook page and second through the District's Get Involved Kitimat.

As part of the process for consideration of Bylaw No. 2055, 2024, Council must consider Public Notice Regulation 52/2022 (Attachment B). Staff has provided a response to each requirement (reliability, suitability and accessibility) for Council:

### Reliability

*2(2) Means of publication are reliable if*

- (a) they provide factual information, and*
- (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.*

Administration of both Facebook and Get Involved Kitimat is done by District staff (information is verified) and the sites are updated regularly (and at least once a month).

### Suitability

*2(3) Means of publication are suitable for providing notices if*

- (a) they allow all information in a notice to be displayed legibly,*
- (b) they allow a notice to be published by the required date, and*

*(c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.*

Both Facebook and Get Involved Kitimat allow the full public notice to be displayed legibly, on the required date, and will be available during the notice period for reference through the period.

**Accessible**

*2(4) Means of publication are accessible if*

- (a) they are directed or made available to a diverse audience or readership, and*
- (b) they are easily found.*

Both Facebook and Get Involved Kitimat are accessible to a diverse audience and are easily found. You do not have to follow the District Facebook page to be able to view its posts and Get Involved Kitimat does not require an account to view. However, following our Facebook page and subscribing to Get Involved Kitimat projects will provide notification of new posts. Facebook posts are shareable both to personal pages, through the messenger app, and other community pages.

Staff is proposing to include in the bylaw a section for additional notices. The Corporate Officer will consider each Public Notice to determine if additional notices should be issued. Through this section, the Corporate Officer would provide for notice to be given through the local newspaper as well.

**Public Notice**

If Council gives Bylaw No. 2055, 2024 first three readings, staff will issue Public Notice. The Public Notice will be posted to the Public Notice Posting Places (bulletin boards and District website) as well as advertised for two consecutive weeks in the Northern Sentinel.

Following that notice period, staff will bring the bylaw back for Council consideration of adoption.

Staff propose that the bylaw come into effect on October 1, 2024. This will allow communication of this change with the public prior to implementation.

**Alternative Options:**

1. Another option as developed through discussion of Council.

**Budget Implications:**

Advertising costs for notice will be incurred and covered through department operational budget.

"SLT"

\_\_\_\_\_  
Director of Finance Initials

**Budgeted: X**

**Unbudgeted:**

**Council Initiative/Other Relevant Plans:**

**Strategic Plan (2023-2026)**

Not Applicable

**District of Kitimat and Haisla Council Friendship Agreement - gi guálap' ni**

Not Applicable

**Community Energy and Emissions Plan**

Not Applicable

**Housing Action Plan and Needs Assessment**

Not Applicable

**Kitimat Age-Friendly Assessment Report and Action Plan**

Not Applicable

**Kitimat Cycle Network Plan**

Not Applicable

**Kitimat Poverty Reduction Strategy**

Not Applicable

**Leisure Services Master Plan**

Not Applicable

**Minette Bay West Concept Plan**

Not Applicable

**Official Community Plan (and Downtown Design Guidelines)**

Not Applicable

**Solid Waste Action Plan**

Not Applicable

**Water Conservation Plan**

Not Applicable

**BC Transit Future Services Plan**

Not Applicable

**Economic Development Strategic Plan (2023-2029)**

Not Applicable

"Kiona Enders"

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Submitted by

Kiona Enders, Deputy CAO

"Warren Waycheshen"

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Approved for Submission

Warren Waycheshen, CAO

Attachment(s): A – Public Notice Advertising Bylaw No. 2055, 2024  
B – Public Notice Regulation 52/2022

DISTRICT OF KITIMAT

BYLAW NO. 2055, 2024

A BYLAW TO AMEND THE KITIMAT MUNICIPAL CODE WITH RESPECT TO COUNCIL PROCEDURE TO ALLOW PUBLISHING OF PUBLIC NOTICES PURSUANT TO SECTION 94(2) OF THE *COMMUNITY CHARTER*.

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WHEREAS Council is required pursuant to the *Community Charter* or other legislation to give notice of certain bylaws, public meetings, elections, public hearings, disposition of land, and other matters by advertising.

WHEREAS Section 94.2 of the *Community Charter* allows Council, by bylaw, to provide for alternative means of publishing a Public Notice instead of publishing the Public Notice in a newspaper in accordance with section 94.1(1)(a) and (b).

WHEREAS the Council of the District of Kitimat wishes to specify two means of publication by which a Public Notice is to be published, not including posting in the District of Kitimat's Public Notice Posting Places;

AND WHEREAS, the District of Kitimat has a consolidation of regulatory bylaws referred to as the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat in open meeting assembled ENACTS AS FOLLOWS:

1. This bylaw may be cited as " Public Notice Advertising Bylaw No. 2055, 2024".
2. The *Kitimat Municipal Code* is amended by adding the following to Part 2 – Municipal Government:

Part 2 – Municipal Government  
Division 16 – Public Notice

Subdivision 1 – Definitions

2.16.1

1. In this Division,

**Facebook Page** means the District's computer and internet based technology information resource on the Facebook social media platform.

**Public Notice** means a notice that is required to be given or published in accordance with section 94 of the *Community Charter*.

**Subscription Service** means a free service that allows persons to subscribe to receive electronic notifications.

Subdivision 2 – Publishing of Public Notice

2.16.2

1. Where the District is required to publish Public Notice, the District will publish the Public Notice by posting at the Public Notice Posing Places and by the following two (2) additional means:
  - i. Posting the Public Notice on the District of Kitimat Facebook page;
  - ii. Posting the Public Notice on the District of Kitimat Subscription Service Get Involved Kitimat page.

Subdivision 3 – Additional Notices

2.16.3

1. Where Public Notice is required to be published in accordance with section 2.16.2.1, the Corporate Officer may provide any additional notice respecting the matter the Corporate Officer considers appropriate, having considered:
  - a. Whether the matter will affect the community at large;
  - b. Whether significant public input respecting the matter is anticipated;
  - c. Whether any other circumstances suggest that additional notice should be provided.
2. An additional notice provided pursuant to section 2.16.3.1:
  - a. May be published in a newspaper that is distributed in the area affected by the subject matter of the notice;
  - b. May contain any information respecting the matter that the Corporate Officer considers appropriate;
  - c. Need not contain all information about the matter that is required to be included in a Public Notice.
3. This bylaw comes into force and effect on October 1, 2024.

READ a first time this	day of	, 2024
READ a second time this	day of	, 2024
READ a third time this	day of	, 2024
PUBLIC NOTICE given this	day of	, 2024
PUBLIC NOTICE given this	day of	, 2024
FINALLY ADOPTED this	day of	, 2024

MAYOR

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Philip Germuth

CORPORATE OFFICER

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Tracy Tavares

PDF Version  
[Printer-friendly - ideal for printing entire document]

# PUBLIC NOTICE REGULATION 52/2022

*Published by Quickscribe Services Ltd.*

Updated To:  
[deposited March 1, 2022]

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## PUBLIC NOTICE REGULATION 52/2022

B.C. Reg. 52/2022

[deposited March 1, 2022]

### *Contents*

1. Definition
2. Principles for effective public notice

[Provisions of the *Community Charter*, SBC 2003, c. 26, relevant to the enactment of this regulation: section 94.2]

#### **Definition**

1. In this regulation, “Act” means the *Community Charter*.

#### **Principles for effective public notice**

2. (1) Before adopting, under section 94.2 of the Act, a bylaw providing for alternative means of publishing a notice, a council must consider the following principles:
  - (a) the means of publication should be reliable;
  - (b) the means of publication should be suitable for providing notices;
  - (c) the means of publication should be accessible.
- (2) Means of publication are reliable if
  - (a) they provide factual information, and
  - (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.
- (3) Means of publication are suitable for providing notices if
  - (a) they allow all information in a notice to be displayed legibly,
  - (b) they allow a notice to be published by the required date, and
  - (c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.
- (4) Means of publication are accessible if
  - (a) they are directed or made available to a diverse audience or readership, and
  - (b) they are easily found.

[Provisions of the *Community Charter*, SBC 2003, c. 26, relevant to the enactment of this regulation: section 94.2]