

# City of Mississauga Corporate Report



<p>Date: April 30, 2020</p> <p>To: Mayor and Members of Council</p> <p>From: Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Originator's files:</p>
	<p>Meeting date: July 8, 2020</p>

## Subject

Update on Communicating Mandatory Public Notices

## Recommendation

1. That the Corporate Report dated April 30, 2020 from the Commissioner of Corporate Services and Chief Financial Officer "Update on Communicating Mandatory Public Notices" be received for information.
2. That the City of Mississauga provide the Mississauga News 180 days' notice that it intends to terminate its current single source contract as it moves to a competitive process.
3. Upon the termination of the City's current contract with the Mississauga News, that the City conduct an open and competitive request for proposal to select a new vendor of record for mandatory public notices.
4. That Strategic Communications maintain a database of mandatory public notice types that indicates whether it is required that they be published in a print newspaper.
5. That prior to communicating new types of mandatory public notices – not included in the above database – that Legal Services complete a review of relevant legislation to update the database and verify whether it is required to be published in a print newspaper.
6. That all mandatory public notices be posted on the City's website to provide a single, consistent and accessible point of reference for all public notices.
7. That City Staff request the Mayor – on behalf of Council – to submit a formal letter to the Provincial Government and respective Ministries requesting a review and revision of the current legislation with respect to communication of mandatory notices.

## Report Highlights

- A review of current practices and legislation was completed to better understand the options for the City of Mississauga to communicate mandatory public notices.
- A review conducted by Legal Services validated that publishing mandatory public notices in print newspapers is required in most of the cases that were examined.
- Municipal benchmarking of 10 Ontario municipalities confirmed that all municipalities contacted continue to publish public notices in a print community newspaper.
- As a result, mandatory public notices should continue to be published in a print newspaper – via paid advertising – to comply with the City’s regulatory and legal requirements.
- The City of Mississauga should select the print publication based on an open and competitive procurement process.
- Going forward the City will ensure that all mandatory public notices are available on the City’s website to provide an easy, consistent and accessible source for such information.
- The Association of Municipalities of Ontario does not have a formal position on the matter of public notice.
- It is recommended that the Mayor on behalf of Council submit a formal letter to the Provincial Government and respective Ministries requesting a review of the current legislation with respect to communication mandatory notices.

## Background

For the City of Mississauga to be successful, it is critical that we effectively communicate and engage with the city’s residents, businesses and key audiences. To date, the use of paid print advertising has been the primary channel for the City to communicate mandatory public notices. This choice is largely driven by a statutory requirement to provide this content to residents and businesses via a print newspaper as defined and stipulated in the *Municipal Act, 2001* as well as other relevant legislation.

At its meeting on September 28, 2016 General Committee directed staff from the Strategic Communications division to gather information on how much paid advertising occurred in the Mississauga News and report the findings to General Committee.

Subsequently at its meeting on November 16, 2016 General Committee further directed staff from the Strategic Communications Division to provide recommendations on how the City should promote and communicate city-wide information.

The recommendations of the ensuing report, dated May 2, 2017 and entitled “Communicating City Information and Mississauga News Advertising” included:

- Mandatory public notices and information deemed necessary by City of Mississauga Business Service Areas will continue to be advertised in the Mississauga News.
- The Cityscape program, a dedicated weekly section that provides information on upcoming Committee and Council dates, in the Mississauga News be terminated.
- A city-wide newsletter will be implemented as an initial 2 year pilot.

This topic continues to be raised informally and periodically by Council and Senior Leadership as to what is the best way to communicate mandatory public notices. Given this and the continuing evolution of the communication landscape (in particular, the growing number of online media outlets) Strategic Communications staff has led and completed a legal review as well as a benchmarking review of 10 Ontario municipalities. This analysis was carried out to better understand and determine the most effective and viable option for communicating mandatory public notices to residents, businesses and other stakeholders.

## Present Status

Mandatory public notices are regulatory-based ads where the City is required to publicly advertise to residents – often through a local print newspaper. This includes, but is not limited to: planning regulatory notices, tax sale notices, environmental assessment notices and notices from the Office of the City Clerk. Currently, the practice has been to publish all mandatory public notices using paid advertising and occasionally by also posting the notice on the City's website.

### Part 1: Legal Review

To review, confirm and validate the City's legal requirements to publish mandatory public notices in a print newspaper, Legal Services conducted a review to determine (a) whether the City must publish the notices in a newspaper and (b) if as an alternative, it would be possible for the City to publish notices solely on the City's website.

**Summary Chart of Legal Review**

Details of Notice Type	Required to Publish in Newspaper
2018 Aerial Spray Pesticide Use	Yes
Community Meetings re plan to treat trees for pests	Likely No
Environmental Assessment Study (EA)	Yes
By-Law Enactment to Close Public Highways	Yes
Application for Exemption from Noise Control By-law	Yes
MiWay Service Announcements	Likely No
Transportation Network Company Pilot Project Licensing By-law	Yes
Public Vehicle Licensing Bylaw	Yes
Sale of Land Public Tender - Municipal Act	Yes
Form 6 Sale of Land Public Tender - Municipal Act	Yes

Notice of Public Information Centre re Class EA Study	Yes
Notice of Class EA Study Completion	Yes
RFP Lease of Commercial Space on Community Property	Yes
Zoning Revision for Building Permit	Yes
Changes to Official Plan	Yes
Municipal Election – Nominations	Yes
Passing of Zoning By-law Amendment (LPAT)	Yes
Passing of Control By-law (LPAT)	Yes

Based on its review, Legal Services has indicated that the City must publish certain notices in a newspaper where required to do so by statute, but this is only the case for certain notices under these Acts, and not for all notices. Since the City publishes multiple notices pursuant to multiple Acts, the need to publish a notice in a newspaper should be examined on a case-by-case basis.

To validate whether the City's current notices have a legal obligation to be published in a print newspaper, Legal Services also conducted a review of a sample of the most common notices published in 2018. Of the 18 types reviewed, 16 had a legal requirement to be published in a print newspaper with 2 likely not having that need. The chart on the previous page lists the sample notices and the outcome of the review.

The review also provided, for reference, the specific statutory definition of "Newspaper" as a document that is "printed in sheet form, published at regular intervals of a week or less, and circulated to the general public, and ... consists primarily of news of current events of general interest." Statutory requirements also add that the newspaper must have "general circulation in the municipality."

Finally the City of Mississauga contacted the Association of Municipalities of Ontario (AMO) to inquire if the organization has developed a public position on this issue. Currently AMO does not have a formal public position or research on updating and/or revising the province's legislation around communicating mandatory public notices. However, AMO staff have, in consultation meetings, supported modernization and increased choice for municipalities given the changing media landscape.

### Summary Chart of Municipal Benchmarking

Municipality	Publish Notices in Print Newspaper	Vendor Selected Through RFP
Barrie	Yes	No
Brampton	Yes	Yes
Burlington	Yes	No
Cambridge	Yes	No
Dryden	Yes	No
Kenora	Yes	No
London	Yes	Yes
Oakville	Yes	No
Orillia	Yes	No
Ottawa	Yes	No
Timmins	Yes	No
Toronto	Yes	Yes
Vaughan	No response	

#### Part 2: Municipal Benchmarking

In addition, City Staff conducted a review of the mandatory public notice practices of a sample of 10 Ontario municipalities. To ensure a wide cross-section of locations large, medium and small municipalities were represented in the sample. The municipalities included, in alphabetical order, were: Barrie, Burlington, Cambridge, Dryden, Kenora, London, Orillia, Ottawa, Timmins and Toronto.

Each of the ten municipalities indicated that they continue to publish notices in a community newspaper within their municipality. Many of the municipalities have existing contracts with one or more publications in their community – some employing an open and competitive request for proposal, such as Toronto. Other municipalities purchase advertising space in their community newspaper on a case-by-case basis. In addition many of the municipalities surveyed also post their notices on their corporate website.

## Comments

As a result of the outcomes of the review by Legal Services as well as municipal benchmarking, staff recommend that the City of Mississauga:

### 1. Continue to Publish Notices in a Print Newspaper

- Mandatory public notices, due to legislative requirements, should continue to be published – via paid advertising – in a print newspaper. This will ensure the City complies with its legal requirements to inform residents and businesses. This should

continue until such time as the legislation is updated and/or amended to provide other communication options.

**2. Provide Notice to the Mississauga News and Terminate the Current Contract with the Publication**

- That the City of Mississauga provide the Mississauga News 180 days' notice that it intends to terminate its current single source contract as it moves to a competitive process.
- The contract does not provide a guarantee of payment but an upset limit with no obligation or minimum values.

**3. Conduct a New Open and Competitive Procurement for a New Vendor of Record**

- Once the contract with the Mississauga News is terminated. The City should conduct an open and competitive request for proposal to select a vendor of record for mandatory public notices.

**4. Maintain a Database of Mandatory Public Notice Publishing Requirements**

- The Strategic Communications Division will maintain a database of reviewed notice types as a resource to City Staff to confirm their statutory obligations for publishing in a print newspaper.
- Prior to communicating new types of mandatory public notices in future, a review of relevant legislation should be completed by Legal Services to verify whether it is required to be published in a print newspaper – and update the above database.

**5. Publish all notices on the City's website**

- To supplement the publishing of mandatory public notices in print newspapers all notices should also be posted on the City's website. This will provide a single, consistent and accessible point of reference for all public notices.
- Once implemented, staff should explore reducing the size of published notices to minimize advertising costs – and redirecting residents and businesses to the City's website for the full details of the notice.

**6. Request the Mayor submit a formal letter to the Provincial Government and respective Ministries requesting a review of the current legislation**

- The letter, on behalf of Mayor and Council should request the Province consider modernizing the current legislation to allow municipalities to choose the channel and/or medium they believe will be most effective when communicating mandatory public notices.

## Strategic Plan

Effective promotion and communications of City of Mississauga information enables the City to reach and engage with Mississauga residents. As such, it is aligned to both the Belong and Connect pillars of the City's Strategic Plan which speak to ensuring youth, older adults and new immigrants thrive and completing our neighbourhoods respectively.

## Financial Impact

Advertising with the Mississauga News is regularly monitored and reviewed by City staff. The volume of paid advertising related to mandatory public notices is driven by the amount of activity, events and applicable public notices that are required in any given year.

To support the communication of mandatory public notices, the City of Mississauga executed a contract with the Mississauga News for a 5-year period beginning July 1, 2017 with an annual upset limit of \$410,000 for city-wide communication and advertising.

In 2019 the advertising costs by all service areas in the Mississauga News totalled \$227,898 – a 17.5% decline from the previous year. In 2019 the top three Divisions that utilized the contract were: Development & Design, MiWay and Stormwater. The chart on the following page provides a breakdown of the 2019 spend by Division/Business Unit.

**2019 Mississauga News Contract Usage by Division/Business Unit**

<b>Division/Business Unit</b>	<b>Annual Spend</b>
Development & Design	\$89,331
MiWay	\$40,195
Stormwater	\$24,076
Infrastructure Planning & Engineering	\$13,638
Revenue, Materiel Management and Business Services	\$12,455
Finance	\$12,439
Legislative Services	\$10,685
City Planning Strategies	\$7,415
Parks, Forestry & Environment	\$7,123
Non-Departmental	\$6,385
Works Operations & Maintenance	\$1,959
Recreation	\$873
Strategic Communications	\$509
Mayor & Council	\$509
Information Technology	\$305
<b>Total</b>	<b>\$227,898</b>

## Conclusion

The City of Mississauga has a legislative requirement to communicate mandatory public notices on a variety of topics and issues that have an impact on the lives of Mississauga residents and businesses. Based on current legislation the City should continue to publish public notices in a print newspaper with a circulation in Mississauga. Going forward the publication should be selected on the basis of an open and competitive procurement process.

However, at the same time the City – through the Office of the Mayor and Council – should request a review by the Province of Ontario and its related Ministries requesting of the current legislation.

The City should also explore new ways to communicate and share that information in the most effective and cost efficient way possible. This may include increased use of online and social media channels as well as an expanded presence on this City's website.

Together, this will ensure that the City of Mississauga is prepared for continued changes in the media and communication landscape, and continues to effectively provide information on a variety of topics and issues that have an impact on the lives of residents, businesses and other key audiences.



---

Gary Kent, CPA, CGA, ICD.D, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: David Ferreira: Manager, City Marketing and Planning