



Robert Prosser & Associates Inc.

CITY OF SASKATOON
Public Notice Policy Bylaw No. 8171

Policy Compliance Audit

Adequate controls are in place and operating effectively to ensure compliance with the Public Notice Policy Bylaw.

January 2007

Report Highlights

City of Saskatoon Public Notice Policy Bylaw

Adequate controls are in place and operating effectively to ensure compliance with the Public Notice Policy Bylaw No. 8171.

Purpose of the Study

The objectives of this study included the following:

- Determine whether adequate systems, practices and controls are in place to ensure Policy/Bylaw compliance;
- Determine whether the City is complying with the public notice requirements set out in the Bylaw;
- Determine whether the criteria and processes used by civic departments for determining who ‘affected parties’ are with regard to sections 5.1 and 6.1 of the Policy, are appropriate.

What Internal Audit Recommends

- Council direction on whether the Public Notice should be given for internal loans to City controlled corporations.
- Notification to Community Associations regarding closing/blocking off lanes or walkways; modifying intersections with physical barriers; and closing/creating median openings.
- Consultation with Community Services Department on closing/blocking off streets, lanes and walkways; modifications to intersections; and closing/creating median openings.

What Internal Audit Found

The current control framework for ensuring compliance with Public Notice Policy Bylaw No. 8171 is effective. It includes centralized control over the preparation of all public notices, independent review of draft notices and proofs, documentation of all communications between parties involved in drafting and publishing public notices, providing details on public and additional notices in the applicable reports to Council, etc.

Test results confirmed full compliance with the Public Notice Policy Bylaw. In all cases where public notice was required, we confirmed that the applicable notices were published in the Star Phoenix and Saskatoon Sun as per the Bylaw. In all other cases (661 reports in total), we confirmed that public notice was not required. We found no instances where public notice was required but not provided.

Internal loans to City controlled corporations are currently outside the scope of the Public Notice Policy Bylaw. However, we note that *The Cities Act* does not differentiate between “external funds” and “internal funds” when it comes to loaning money to City controlled corporations – i.e. *The Act* as written does not explicitly exclude “internal borrowing” from the Public Notice process.

The criteria used by civic departments for determining who “affected parties” are, appears to be appropriate. Per the Public Notice Policy Bylaw, the City has the sole discretion to determine who is an affected party. We note that *The Cities Act* does not define “affected parties”.

The Community Services Department is currently not consulted for input into permanent closure or blocking off of streets, lanes and walkways; modifying intersections; and closing/creating median openings in residential areas. Their input would assist in ensuring appropriate consideration of the social implications and impact on the City’s neighbourhood design policy/criteria.

In some cases residents who would not typically fall within the definition of “affected parties” and, therefore, not receive “additional notice”, have taken an interest in matters involving public notice – e.g. walkway closures. We note, for example, that a recent application for closure of a Peberdy-Wakabayashi walkway generated interest from parties elsewhere in the neighbourhood and from outside the neighbourhood. Concerns were raised about the overall fairness of the public notice policy and processes as it relates to closures, and of wider implications of closures on communities.

Table of Contents

Results in Brief.....	1
Chapter 1 – Introduction and Background	2
Background.....	2
Study Scope & Objectives	2
Methodology.....	3
Chapter 2 – Adequate Controls are in Place for Ensuring Compliance.....	4
Responsibilities have been appropriately assigned and documented	4
Control procedures are in place	5
Recommendations.....	6
Chapter 3 – Test Results Confirmed Full Compliance with the Bylaw	7
<i>The Cities Act</i> requires City Council to adopt a Public Notice Policy	7
The Public Notice Policy Bylaw specifies the circumstances requiring public notice.....	7
The Public Notice Policy Bylaw specifies the methods and timing of public notice.....	7
The City is consistently complying with the public notice policy requirements.....	8
The Act and Public Notice Policy Bylaw lack clarity with regard to lending money to City controlled corporations	8
Recommendations.....	10
Management Response	10
Chapter 4 – Notice to Community Associations and Community Services Department Input Should be Considered on Matters Affecting Neighbourhoods ...	11
The Audit scope was expanded to include an assessment of criteria used to determine “affected parties” with regard to walkway closures	11
The Public Notice Policy Bylaw requires the City to provide additional notice to “affected parties”....	11
Appropriate criteria are used for determining “affected parties”.....	12
Criteria are in place to support the decision-making process	13
Other departments, branches and organizations are consulted.....	14
The broader community appears to have an interest in street, lane and walkway closures.....	14
Recommendations.....	15
Management Response	16
Chapter 5 – Implementation Plan.....	17
Appendix A – Public Notice Policy Bylaw, 2003	19

Results in Brief

Current Control Framework is Adequate	The current control framework for ensuring compliance with Public Notice Policy Bylaw No. 8171 is adequate.
Test Results Confirmed Compliance	Test results confirmed full compliance with the Public Notice Policy Bylaw.
Council Direction is Required on Whether Public Notice Should be Given for Internal Loans to City Controlled Corporations	Internal loans to City controlled corporations are currently not subject to the Public Notice Policy Bylaw. However, we note that <i>The Cities Act</i> does not explicitly exclude internal loans from the Public Notice process.
Criteria are Appropriate for Determining “Affected Parties”	The criteria used by civic departments for determining who “affected parties” are, appears to be appropriate.
The Community Services Department Should Provide Input into Decisions Affecting Neighbourhoods (e.g. street, lane and walkway closures)	The Community Services Department is currently not consulted on Public Notice matters relating to closure or blocking off of streets, lanes and walkways; modifying intersections; and closing/creating median openings in residential areas. Their input would assist in ensuring appropriate consideration of the social implications and impact on the City’s neighbourhood design policy/criteria.
Wider Community Input Should be Considered for Some Public Notice Matters	In some cases residents who would not typically fall within the definition of “affected parties” and, therefore, not receive “additional notice”, have taken an interest in matters involving public notice – e.g. walkway closures. They perceive such matters to also have implications on the broader community.

Chapter 1 – Introduction and Background

Background

The corporate audit plan includes provision to audit compliance with *The Public Notice Policy Bylaw*.

Section 102(2) of *The Cities Act*, requires City Council to adopt, by bylaw, a public notice policy. The Public Notice Policy Bylaw, 2003, was adopted by City Council pursuant to *The Act*. A copy of the Bylaw is affixed to this report as Appendix A.

Individual departments, through the applicable General Managers, are responsible for identifying items requiring public notice and for preparing the applicable reports to City Council. They are also responsible for ensuring that additional notices are given to “affected parties” where applicable.

The City Manager’s Office, Communications Branch, is responsible for coordinating the placement of all public notices in the Star Phoenix and Saskatoon Sun and on the City’s web-page.

The City Clerk’s Office is responsible for posting all notices in City Hall and for ensuring that items are not placed on the Council agenda unless notice has been given in accordance with the Bylaw.

Infrastructure Services handles matters relating to permanent closure or blocking of streets, lanes and walkways; permanent closure or creation of median openings; and permanently modifying an intersection with the use of physical barriers.

Community Services handles matters relating to prohibiting or limiting the number of businesses of a particular type in an area of the City; selling or leasing land for less than fair market value; and selling or leasing park lands or dedicated lands.

Corporate Services handles matters relating to borrowing money, lending money, or guaranteeing the repayment of a loan and moving capital moneys to an operating budget or reserve.

Study Scope & Objectives

Specific lines of enquiry included the following:

- Whether adequate systems, practices and controls are in place to ensure compliance with the Bylaw requirements;
- Whether the City is complying with the public notice requirements set out in the Bylaw;
- Whether the criteria and processes used by civic departments for determining who ‘affected parties’ are with regard to sections 5.1 and 6.1 of the Public Notice Policy, are appropriate.

With regard to policy compliance, the audit focused on notices

published in the Saskatoon Star Phoenix and the Saskatoon Sunday Sun. We did not test compliance with regard to web-site postings and City Hall postings since the applicable postings for the test period (i.e. October 2005 to September 2006) were no longer in place at the time of our audit fieldwork. However, we are confident that existing controls are adequate for ensuring these postings are made at the appropriate times.

Methodology

The audit process included the following steps:

- Interviews with applicable civic management and staff involved in administering the public notice requirements of the Bylaw;
- Documentation and analysis of relevant processes and systems of internal control;
- A review of relevant data/information/ documents to substantiate compliance.

Chapter 2 – Adequate Controls are in Place for Ensuring Compliance

Public notice requirements are documented

The Public Notice Policy Bylaw sets out the minimum requirements for public notice. The minimum requirements include:

- A list of matters requiring public notice;
- The manner in which public notice is to be given;
- A list of matters requiring additional notice to affected parties.

A copy of the Public Notice Policy Bylaw is affixed to this report as Appendix A.

Responsibilities have been appropriately assigned and documented

General Managers are responsible for:

- Providing the City Clerk’s Office and the Communications Branch with required notices in time to meet the publishing and posting requirements of the Public Notice Policy Bylaw.
- Completing and delivering the notices required to be given to “affected parties”; and
- Posting any site signs.

The Communications Office is responsible for coordinating the posting of all public notices on the City’s website and in the Star Phoenix and Sunday Sun.

The City Clerk’s Office handles all City Hall postings and is responsible for ensuring that items are not placed on the Council agenda unless notice has been given in accordance with the Public Notice Policy Bylaw.

Infrastructure Services handles public notices and related reports to City Council, that deal with such matters as:

- Permanently closing or blocking off a street, lane or walkway;
- Modifying an intersection with the use of physical barriers;
- Permanently closing or creating a median opening.

Community Services handles public notices and related reports to City Council, that deal with such matters as:

- Prohibiting or limiting the number of businesses of a particular type in an area of the city or specifying separation distances between businesses of a particular type;
- Selling or leasing land for less than fair market value and without a

Controls for Ensuring Compliance, cont'd

public offering;

- Selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in an Act other than *The Cities Act*.

Corporate Services handles public notices and related reports to City Council, that deal with such matters as:

- Borrowing money, lending money or guaranteeing the repayment of a loan;
- Moving capital moneys to an operating budget or reserve.

These responsibilities are appropriately aligned with the departments that have primary accountability for the applicable assets. For example, Infrastructure Services is accountable for the maintaining the city's transportation infrastructure including streets, lanes, walkways, medians, traffic control, etc. Community Services is accountable for zoning, land sales, parks and dedicated lands. Corporate Services is accountable for the City's overall financial affairs.

Control procedures are in place

Current controls for ensuring policy compliance include the following:

- All communications between departments and the Communications Branch are documented (i.e. e-mails with attachments).
- The Communications Branch coordinates all public notice postings in the local newspapers and on the City's website and maintains a record of all communications with the Star Phoenix, the Corporate Information Services Branch, and the City Clerk's Office.
- The Communications Branch keeps a file folder of all public notice requests received from departments, and related documents (e.g. public notice ads) in order of scheduled publication date.
- The Communications Branch reviews all public notice requests for accuracy of content.
- Preparation of public notice ads and postings to the City's website is centralized in the Communications Branch.
- The applicable departments are required to confirm in writing (i.e. by e-mail) that the ads are complete and accurate before the Communications Branch forwards them on to the Star Phoenix and the City's Corporate Information Services Branch.
- The Communications Branch reviews proofs of the ads received from the Star Phoenix before they are placed in the Star Phoenix and Sunday Sun.
- The Communications Branch checks the City's website, Star

Controls for Ensuring Compliance, cont'd

Phoenix and Sunday Sun to ensure that the public notices were posted on the appropriate dates.

- The Communications Branch sends a copy of the public notice ad to City Clerk's Office to be posted in City Hall.
- More than one individual in the Communications Branch has detail knowledge of the public notice policies, processes and procedures. This ensures continuity of process in the event of staff absences or turnover.
- The applicable departments are required to include public notice details in their reports to Council, including Star Phoenix and Sunday Sun posting dates, City Hall posting date, City website posting date and the date and form of additional notices provided to affected parties. The reports also include relevant attachments – e.g. copy of public notice, plan showing proposed closure, copy of letters from applicable parties (e.g. Department of Highways).
- The standard format for reports to Council requires departments to indicate in the reports whether public notice is or is not required to be provided pursuant to the Public Notice Policy Bylaw.
- The City Clerk reviews Council agenda items to ensure Public Notice Requirements have been met.
- The City Solicitor reviews Council agenda items to ensure Public Notice Requirements have been met.

Recommendations

Information be received

Chapter 3 – Test Results Confirmed Full Compliance with the Bylaw

***The Cities Act* requires City Council to adopt a Public Notice Policy**

Section 102(2) of *The Cities Act* states that: “Subject to the regulations, a council **shall**, by bylaw, adopt a public notice policy that sets out, with respect to any class or sub-class of matters for which public notice is, by this Act, to be given pursuant to this section:

- (a) the minimum notice requirements;
- (b) the methods of notice to be followed; and
- (c) any prescribed matters.”

The Public Notice Policy Bylaw specifies the circumstances requiring public notice

The Public Notice Policy Bylaw specifies matters requiring public notice. The most common matters requiring public notice include:

- Permanently closing or blocking off a street, lane or walkway;
- Permanently closing or creating a median opening;
- Permanently modifying an intersection with the use of physical barriers;
- Prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses of a particular type;
- Selling or leasing land for less than fair market value and without a public offering;
- Selling or leasing park lands and dedicated lands; and
- Borrowing money, lending money or guaranteeing the repayment of a loan.

The Public Notice Policy Bylaw specifies the methods and timing of public notice

The prescribed methods and timing for public notices include:

- Publication in the *Saskatoon Star Phoenix* on the two Saturdays immediately prior to the meeting at which Council will initially consider the matter;
- Publication in the *Saskatoon Sun* on the two Sundays immediately prior to the meeting at which Council will initially consider the matter;
- Posting at City Hall at least ten days prior to the meeting at which Council will initially consider the matter;
- Posting on the City’s website at least ten days prior to the

meeting at which Council will initially consider the matter.

Additional notice must also be provided to “affected parties” under certain circumstances. Additional notice requirements are discussed in the next chapter.

It’s important to note that the Public Notice Policy Bylaw, which is consistent with *The Cities Act*, prescribes the minimum notice requirements. It does not limit the City’s discretion to provide additional notice, using different or additional methods, as may be deemed appropriate by Council or the Administration.

The City is consistently complying with the public notice policy requirements

We tested 100% of the reports (17 reports in total) falling under the “Matters Requiring Public Notice” section of Council agendas/minutes from October 2005 to September 2006 inclusive. Our audit procedures were designed to confirm the extent of compliance with the posting requirements in terms of the Star Phoenix and Sunday Sun. The audit procedures included reviewing all of the applicable Council agenda items, including attachments, and reviewing documents retained in the Communications Branch.

We found consistent compliance with the public notice requirements pertaining to Star Phoenix and Sunday Sun postings.

We tested 661 other reports contained in Council agendas from October 2005 to September 2006 inclusive. Our audit procedures were designed to confirm that all other reports to Council, for which public notice was not given, did not require public notice pursuant to *The Act*. The procedures included reviewing the content and recommendations in all reports tested.

We conclude that none of the reports required public notice pursuant to *The Act* and the Public Notice Policy Bylaw.

The Act and Public Notice Policy Bylaw lack clarity with regard to lending money to City controlled corporations

On August 14, 2006, City Council received two reports from the Credit Union Centre, requesting funding to support two capital projects. One request was for \$3.3 million for the development of concourse level corporate suites and associated facility renovations. The other was for \$200,000 to purchase a point-of-sale system for its concession and catering operations.

In the first case (i.e. the \$3.3 million), City Council adopted a recommendation “that the Administration identify a source of funding for the required financing”. In the second case, City Council adopted a recommendation “that a Productivity Loan of \$200,000, with a five-year term, be provided to Credit Union Centre, for the purchase of a point-of-sale system for its concession and catering operations”.

The first case may involve an internal loan and/or external borrowing. The second case involves an internal loan.

When it comes to loaning money to City controlled corporations such as Credit Union Centre, neither *The Cities Act* nor the Public Notice Policy Bylaw appear to differentiate between money obtained through internal sources (e.g. civic reserves) and money obtained through external borrowing. Per the City Solicitor and the General Manager of Corporate Services, during the development of *The Cities Act*, the discussion of Public Notice and borrowing was around external borrowing only – i.e. the purpose and intent was to let the public know when the City is planning to incur new debt for capital purposes.

Relevant sections of *The Cities Act* include 101 and 152. Section 101 requires the City to give public notice before initially considering any report respecting borrowing money, lending money or guaranteeing the repayment of a loan pursuant to sections 133 to 153. Section 152 states that “A city may only lend money to a non-profit organization, to one of its controlled corporations or to a business improvement district established by it if the loan is authorized by bylaw”. Where money is loaned to a City controlled corporation, subsection (2) of section 152 states that “The bylaw must contain details of:

- (a) the amount of money to be loaned and, in general terms, the purpose for which the money that is loaned is to be used;
- (b) the minimum rate of interest, the term, and the terms of repayment of the loan; and
- (c) the source or sources of the money to be loaned.”

We also note that, per section 133 of *The Cities Act*, “no city shall lend money or guarantee the repayment of a loan if making the loan or guarantee would cause the city to exceed its debt limit”.

We believe that internal loans made by the City to its controlled corporations also represent a risk to the public in terms of potential future liability. If the controlled corporation fails to meet its repayment commitments to the City then it is conceivable that the city may have to subsequently borrow externally to replenish the internal account that was originally sourced for the loan (e.g. a capital reserve account) or make provision in future operating budgets to repay the loan through property taxes. In both cases, it would be after-the-fact – i.e. the public would not have had an opportunity through the Public Notice process to express their concerns to Council before the initial internal loan decision was made.

The City appears to have two options – either pursue amendments to *The Cities Act* to explicitly exclude “internal borrowing” from the Public Notice process or amend the Public Notice Policy Bylaw to explicitly make internal loans to controlled corporations subject to the

Policy Compliance Test Results, cont'd

Public Notice Policy Bylaw.

Recommendations

1. That City Council provide direction on whether:
 - (a) The City should pursue amendments to *The Cities Act* to exclude “internal loans” from the Public Notice process; or
 - (b) The City should amend the Public Notice Policy Bylaw to explicitly include “internal borrowing” within the Public Notice process.
-

Management Response

1. *Agree*

Chapter 4 – Notice to Community Associations and Community Services Department Input Should be Considered on Matters Affecting Neighbourhoods

The Audit scope was expanded to include an assessment of criteria used to determine “affected parties” with regard to walkway closures

The Audit Committee, when considering the Terms of Reference for the Public Notice Policy Bylaw Compliance Audit, requested the Internal Auditor to examine and report on the current criteria for determining “affected parties” with regard to walkway closures.

This request was made in response to concerns surrounding the proposed closure of the Peberdy-Wakabayashi walkway. In this case, the Administration had completed the “Public Notice” requirements and notice to “affected parties”, in accordance with the Public Notice Policy Bylaw. The Administration’s report was included in the agenda package for the November 20, 2006 City Council meeting. The Council agenda also included correspondence from concerned citizens supporting and objecting to the proposed closure. The Administration withdrew the report in order for the Department to consult further with the interested parties.

The Public Notice Policy Bylaw requires the City to provide additional notice to “affected parties”

The Policy requires that “additional notice” be given to all affected parties when Council is initially considering the following matters:

- Prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses of a particular type;
- Permanently closing or blocking off a street, lane or walkway;
- Permanently modifying an intersection with the use of physical barriers;
- Permanently closing or creating a median opening;
- Imposing a special tax or determining the use to which excess revenue from a special tax is to be put;
- Establishing a business improvement district;
- Selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in an Act other than *The Cities Act*.

The Policy defines “affected parties” as “those members of the public who, in the sole discretion of the City, may be **specially affected** by

the matter under consideration by Council”.

Another definition of “affected parties” developed by Saskatchewan Government Relations Department and used by several municipalities is “members of the public who are, in the opinion of the Administrator, directly and uniquely affected by a matter under consideration by Council, to an extent greater than other members of the general public”.

Appropriate criteria are used for determining “affected parties”

Current practice is for the applicable civic department to determine who the “affected parties” are and to survey these parties.

The following criteria are used by Infrastructure Services to determine “affected parties” with regard to closing or blocking a street, lane or walkway; modifying and intersection with a physical barrier; and closing or creating a median opening:

- Walkway closures - surveys are given to property owners who are considered to be within a specific catchment area – i.e. residents who would typically use the walkway to access a specific public place such as a school, park or commercial site.
- Lane and street closures - surveys are distributed to the adjacent property owners who live next to the lane.
- Modifying an intersection with the use of a physical barrier - surveys are distributed to adjacent property owners.
- Closing or creating a median opening – surveys are distributed to adjacent property owners.

The following criteria are used by Community Services to determine “affected parties” with regard to selling or leasing park lands and dedicated lands:

- In all cases, the applicable Community Association and Councillor.
- In cases affecting schools, the school boards.
- Residents in the neighbourhood who are directly affected by the sale or lease, as determined by Community Services. This includes all residents who live in the applicable neighbourhood. If the park land is on the border or close to the edge of a another neighbourhood, Community Services will consider expanding the delivery of notices to incorporate those residents from the adjacent neighbourhood who would be in the closest proximity of the park land; this would potentially include the entire adjacent neighbourhood if the project is of "a major scope".
- If a large scale project and, in particular, if it involves the sale of park land, the surrounding community associations, businesses,

school boards, and various key stakeholders deemed to be directly affected by the project.

The following criteria are used by Community Services to determine “affected parties” with regard to prohibiting or limiting the number of businesses of a particular type in an area of the city or specifying separation distances between businesses of a particular type:

- Existing businesses of the particular type within the area or within the city;
- Business Improvement Districts;
- Property owners in the affected area as determined by Community Services.

The specific process and who Community Services communicates to is detailed in the Community Engagement Manual.

It is our understanding that there have been no “special taxes” levied and no business improvement districts created since the Public Notice Policy Bylaw came into effect. Criteria for determining “affected parties” in such cases would be determined when and if the City proposes to introduce a “special tax” or approve a new business improvement district.

Criteria are in place to support the decision-making process

Decisions to permanently close or block off a street, lane or walkway are based on public need and vehicle/pedestrian traffic counts.

Criteria for determining whether to close or block off a walkway are set out in Policy No. C07-017, Walkway Closure Fee Assistance.

Lanes will not be closed if they are required for property owners to access their garages.

Modifications to intersections with the use of physical barriers are usually based on the results of traffic engineering studies.

The closure or creation of a median opening is based on criteria set out in Policy No. C07-012, Median Openings.

The primary criteria for determining whether to sell or lease park land or dedicated land is the legislated requirement governing the required amount of municipal reserve land in a suburban development. A park space deficiency list has been created and is used as a guideline. This list is the originating point of consideration and in any neighbourhood where there is already a park space deficiency, the City would very rarely, if ever, consider selling any park land.

Other departments, branches and organizations are consulted

In the case of public notice matters handled by Infrastructure Services, other departments, branches and organizations are consulted for input into the decision-making process. Examples include Land Development Section, Saskatoon Light & Power, Transit Services, SaskEnergy, SaskPower, SaskTel, Canada Post, Shaw Cable, Leisure Services, Fire & Protective Services, Parks Branch, Saskatoon Police Services, Saskatoon Public School Division, Saskatoon Catholic School Division, Environmental Compliance Branch of Utility Services Department, Saskatchewan Highways & Transportation. When closing an actual in-service roadway, Community Associations, Fire, Police, Ambulance, Transit and the general public are involved at the early stages. The involvements include public meetings, letters of notice and requests for comments on how such a proposal would affect their operations and or access. The closure is then recommended to City Council once a consensus has been reached.

In the case of selling or leasing park land or dedicated land, Community Services consults with the Parks Branch of Infrastructure Services Department, and with other branches in Community Services – e.g. Leisure Services Branch, Community Development Branch, Planning Branch, Development Services Branch and Land Branch.

The broader community appears to have an interest in street, lane and walkway closures

Aside from the specific criteria noted above, it is important to acknowledge the role that professional judgement plays in ultimately determining those who are specialty affected by the matter under consideration (e.g. walkway closure). Per our review of the file pertaining to the Peberdy-Wakabayashi walkway closure, the Administration appears to have followed the criteria set out above for determining “affected parties”.

We note that many of those who filed letters with City Council or signed petitions objecting to the Peberdy-Wakabayashi closure would not qualify as residents who are specialty affected. In fact, one complainant was from another neighbourhood – i.e. Lawson Heights. However, this does raise the broader question of whether or not walkway, lane and street closures have wider implications on a community that warrant increased disclosure and public consultation.

The Community Services Department is currently not consulted for input on walkway, lane and street closures. Such consultation would ensure that the social implications of changing components of a neighbourhood are given appropriate consideration by planning professionals who take a leadership role in formulating policy criteria governing neighbourhood design. It would ensure consideration of the long-term social, environmental and economic implications of closures on the community and on future policy governing neighbourhood

design.

Based on the letters/petitions received by Council from Silverwood residents, who one might argue are not “specially affected” by Peberdy-Wakabayashi walkway closure, we conclude that residents view such matters as having implications on the wider community. Providing additional notice to the applicable Community Association may be an appropriate vehicle for engaging input from the wider community into decisions regarding closures. This would be less costly than distributing notices to all residents in a neighbourhood. The Community Association would be invited to provide a perspective on behalf of the community association but would not be asked to approve or deny a request nor be considered a substitute for the broader community input.

The City has developed a Community Engagement Process Manual to be followed when engaging the public in civic matters. It is our understanding that if circumstances warrant, the applicable department (e.g. Infrastructure Services with regard to permanent closure of walkways) would initiate the Community Engagement Process.

Recommendations

2. That the Community Services Department be consulted for input into decisions regarding permanent closure or blocking off of streets, lanes and walkways; modifying intersections with physical barriers; and closing or creating median openings in residential areas.
3. That as a matter of standard practice, the City survey the applicable Community Association for input into decisions involving closing or blocking off a lane or walkway; modifying intersections with physical barriers; and closing or creating median openings in residential areas.

Management Response

2. *Community Services: AGREE.*

Infrastructure Services: AGREE with comment:

Management proposes to implement this by preparing a comprehensive circulation list of City Departments/Branches/Agencies, including the Community Services Department, that would be contacted. We will also include on the circulation list the City's Community Consultant for the affected neighbourhood(s).

3. *Community Services: AGREE.*

Infrastructure Services: AGREE with comment:

Management agrees with recommendation 3; however, it is the opinion of Infrastructure Services that while input from the Community Association is important in certain instances, input from the residents within the catchment area may supersede the input of the Community Association as a whole in many cases. The Community Consultant will contact the Community Association(s) to determine what level of Community Association involvement is appropriate. Infrastructure Services will clarify how a "catchment" area is defined and established in order to determine the affected residents and/or properties.

Chapter 5 – Implementation Plan

	Recommendations	Management Response	Implementation Date
1.	<p>That City Council provide direction on whether:</p> <p>(a) The City should pursue amendments to <i>The Cities Act</i> to exclude “internal loans” from the Public Notice process; or</p> <p>(b) The City should amend the Public Notice Policy Bylaw to explicitly include “internal borrowing” within the Public Notice process.</p>	<i>AGREE</i>	Subject to direction from City Council.
2.	<p>That the Community Services Department be consulted for input into decisions regarding permanent closure or blocking off of streets, lanes and walkways; modifying intersections with physical barriers; and closing or creating median openings in residential areas.</p>	<p><i>Community Services: AGREE.</i></p> <p><i>Infrastructure Services: AGREE with comment:</i></p> <p>Management proposes to implement this by preparing a comprehensive circulation list of City Departments/Branches/Agencies, including the Community Services Department, that would be contacted. We will also include on the circulation list the City’s Community Consultant for the affected neighbourhood(s).</p>	April 2007
3.	<p>That as a matter of standard practice, the City survey the applicable Community Association for input into decisions involving closing or blocking off a lane or walkway; modifying intersections with physical barriers; and closing or creating median openings in residential areas.</p>	<p><i>Community Services: AGREE.</i></p> <p><i>Infrastructure Services: AGREE with comment:</i></p> <p>Management agrees with recommendation 3; however, it is the opinion of Infrastructure Services that while input from the Community Association is important in certain instances, input from the residents within the catchment area may</p>	April 2007

Implementation Plan, cont'd

	Recommendations	Management Response	Implementation Date
		supersede the input of the Community Association as a whole in many cases. The Community Consultant will contact the Community Association(s) to determine what level of Community Association involvement is appropriate. Infrastructure Services will clarify how a "catchment" area is defined and established in order to determine the affected residents and/or properties.	

Appendix A – Public Notice Policy Bylaw, 2003

Bylaw No. 8171

The Public Notice Policy Bylaw, 2003

**Codified to Bylaw No. 8328
(June 21, 2004)**

Bylaw No. 8171

The Public Notice Policy Bylaw, 2003

The Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as The Public Notice Policy Bylaw, 2003.

Purpose

2. The purpose of this bylaw is to establish a policy setting out the minimum notice requirements, the methods of notice to be followed and the minimum time for giving notice with respect to any matters for which public notice is required to be given by Council.

Public Notice Policy

3. The City will provide public notice as required in accordance with the Public Notice Policy attached as Schedule "A".

Coming Into Force

4. This bylaw comes into force on the day of its final passing.

Read a first time this 6th day of January, 2003.

Read a second time this 6th day of January, 2003.

Read a third time and passed this 6th day of January, 2003.

"James Maddin"

Mayor

"Janice Mann"

City Clerk

Schedule "A"

**CITY OF SASKATOON
COUNCIL POLICY**

NUMBER
C01-021

POLICY TITLE <i>Public Notice</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>January 6, 2003</i>
ORIGIN/AUTHORITY <i>Clause 1, Report No. 1-2003 of the Executive Committee</i>	CITY FILE NO. <i>CK. 421-1</i>	PAGE NUMBER <i>1 of 5</i>

1. PURPOSE

The Cities Act requires Council to adopt a Public Notice Policy. This policy sets out the minimum notice requirements, the methods of notice to be followed and the minimum time for giving notice with respect to any matters for which public notice is required to be given by Council.

2. DEFINITIONS

2.1 Affected Parties – For the purposes of this policy, affected parties will be those members of the public who, in the sole discretion of the City, may be specially affected by the matter under consideration by Council.

2.2 Ten Days – For the purposes of this policy, ten days will be calculated using calendar days and including the day it is posted but excluding the day of the Council meeting.

3. MATTERS FOR WHICH NOTICE MUST BE GIVEN

Public notice in accordance with this policy shall be given before Council initially considers the following matters:

- a) prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses of a particular type;
- b) permanently closing or blocking off a street, lane or walkway;
- c) permanently modifying an intersection with the use of physical barriers;
- d) permanently closing *or creating* a median opening;

- e) borrowing money, lending money or guaranteeing the repayment of a loan;
- f) moving capital moneys to an operating budget or reserve;
- g) imposing a special tax or determining the use to which excess revenue from a special tax is to be put;
- h) establishing an investment policy;
- i) selling or leasing land for less than fair market value and without a public offering;
- j) selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in an Act other than *The Cities Act*;
- k) establishing a purchasing policy;
- l) establishing a business improvement district;
- m) setting remuneration for council or committee members;
- n) increasing or decreasing the number of councillors on Council;
- o) appointing a wards commission and dividing the City into wards;
- p) amending or repealing a bylaw for which public notice was a requirement at the time the bylaw was passed;
- q) any matter where holding a public hearing is required under *The Cities Act* or any other Act except where the Act contains its own public notice provisions;
- r) discussing a matter at a public meeting held as a result of a petition signed by the required number of electors; and
- s) the amendment or repeal of a bylaw or resolution when the resolution or bylaw was passed as a result of a vote of the electors.

4. NOTICE TO THE GENERAL PUBLIC

Notice shall be given to the general public for all matters set out in section 3 in accordance with this section:

- a) notice of the matter shall be published in the Saskatoon Star Phoenix on the two Saturdays immediately prior to the meeting at which Council will initially consider the matter; and
- b) notice of the matter shall be published in the Saskatoon Sun on the two Sundays immediately prior to the meeting at which Council will initially consider the matter; and
- c) notice of the matter shall be posted at City Hall at least ten days prior to the meeting at which Council will initially consider the matter; and
- d) notice of the matter shall be posted on the City's website at least ten days prior to the meeting at which Council will initially consider the matter.

5. ADDITIONAL NOTICE – FOR SOME MATTERS

5.1 In addition to the general notice requirements of section 4, **additional** notice shall be given in accordance with subsection 5.2 to all affected parties when Council is initially considering the following matters:

- a) prohibiting or limiting the number of businesses of a particular type in an area of the City or specifying separation distances between businesses of a particular type;
- b) permanently closing or blocking off a street, lane or walkway;
- c) permanently modifying an intersection with the use of physical barriers;
- d) permanently closing *or creating* a median opening;
- e) imposing a special tax or determining the use to which excess revenue from a special tax is to be put; and
- f) establishing a business improvement district.

5.2 **Additional** notice of the matters listed in subsection 5.1 shall be given using either of the following methods:

- a) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than 10 days prior to the Council meeting at which the matter will initially be considered; **or**

- b) by leaving notice of the matter in a mail receptacle at the address of the affected party at least 10 days prior to the Council meeting at which the matter will initially be considered.

6. ADDITIONAL NOTICE – SALE OR LEASE OF PARK LANDS AND DEDICATED LANDS

6.1 In addition to the general notice requirements of section 4, **additional** notice shall be given to all affected parties when Council is initially considering selling or leasing park lands and dedicated lands except where the land is covered by public notice provisions in an Act other than *The Cities Act*.

6.2 **Additional** notice of the matter listed in subsection 6.1 shall be given to all affected parties by:

- a) posting a notice on the land to be sold or leased at least 10 days prior to the Council meeting at which the matter will initially be considered; **and**

using either of the following methods:

- b) by mailing notice of the matter to all affected parties by ordinary mail which is to be postmarked no later than 10 days prior to the Council meeting at which the matter will initially be considered; **or**
- c) by leaving notice of the matter in a mail receptacle at the address of the affected party at least 10 days prior to the Council meeting at which the matter will initially be considered.

7. DISCRETION OF COUNCIL

The notice requirements of this policy are the minimum requirements which must be complied with by the City. Council may at its discretion require additional notice in specific cases.

8. NO NOTICE OF SUBSEQUENT MEETINGS

Notice will be given in accordance with this policy only when Council initially considers a matter. Unless otherwise directed by Council, no notice will be given of any subsequent meeting of Council at which the matter will be considered.

9. RESPONSIBILITIES

9.1 General Managers

- a) The General Manager of the applicable department will be responsible for providing the City Clerk's Office and the Communications Branch with the required notices in time to meet the publishing and posting requirements of this policy.
- b) The General Manager of the applicable department will be responsible for completing the notices required to be given by mail or left in the mail receptacles and advising the City Clerk that they have been completed.
- c) The General Manager of the applicable department will be responsible for posting any site signs and advising the City Clerk that they have been posted.

9.2 City Clerk

The City Clerk will be responsible for ensuring that items are not placed on the Council agenda unless notice has been given in accordance with this policy.