

District of Barriere

# REPORT TO COUNCIL

## Request for Decision

<b>Date:</b> February 2, 2026	<b>File:</b> 530.20/Rpts
<b>To:</b> Council	<b>From:</b> T. Buchanan, Corporate Officer
<b>Re: DRAFT Alternative Means for Public Notice Bylaw No. 270</b>	
<b>Recommendation: THAT Council give 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings to Alternative Means for Public Notice Bylaw No. 270.</b>	

### Purpose

For Council to consider giving first three readings to the Draft Alternative Means for Public Notice Bylaw No. 270.

### Background

Bill 26, which passed in the BC legislature in November 2021, amended various sections of the Community Charter, including Section 94, "Requirements for public notice". The intent of the amendments to Section 94 was to modernize public notice requirements, which, up to that time, required all local governments' statutory notices to be placed in two consecutive weeks' editions of its local newspaper. Amendments to Section 94 provide local governments with the ability to use methods other than the local newspaper to meet statutory public notice requirements.

The enabling legislation is as follows:

#### **"Bylaw to provide for alternative means of publication**

94.2 (1) A council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1 (1) (a) and (b).

(2) A bylaw adopted under this section must specify at least 2 means of publication by which a notice is to be published, not including posting in the public notice posting places.

(3) Subject to the regulations, a council may specify, in a bylaw adopted under this section, any means of publication, so long as, before adopting the bylaw, the council considers the principles prescribed by regulation under subsection (6) (a).

(4) Section 12 does not apply in relation to a council's authority to adopt a bylaw under this section.

(5) If a bylaw is adopted under this section, the applicable notice referred to in section 94 (1) (a)

(a) must be published by the means specified in that bylaw,

- (b) subject to the regulations and unless this or another Act provides otherwise, must be published at least 7 days before the date of the matter for which notice is required, and
- (c) if a period is prescribed for the purpose of this paragraph and unless this or another Act provides otherwise, must be published in the prescribed period before the date of the matter for which notice is required.

(6) The minister may make regulations as follows:

- (a) prescribing the principles that must be considered before adopting a bylaw under this section;
- (b) prescribing one of the means of publication that must be specified in a bylaw adopted under this section;
- (c) requiring that one or more of the means of publication specified in a bylaw adopted under this section be selected from the prescribed means;
- (d) for the purpose of subsection (5) (b), prescribing a number of days, other than 7 days, before the date of the matter for which notice is required;
- (e) for the purpose of subsection (5) (c), prescribing a period of time.”

Subsequent to amending Section 94 of the Community Charter, the province enacted Public Notice Regulation Reg. 52/2022, which prescribes the principles that must be considered when adopting a public notice bylaw:

**“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.”

## Requirements

The Ministry of Municipal Affairs guidelines state that:

“A bylaw adopted under section 94.2 must:

- specify at least two methods of notice (e.g., newspaper and local government website), not including the public notice posting places; and,
- consider the principles of effective public notice (reliable, suitable and accessible) described by the Public Notice Regulation before adopting a public notice bylaw.”

Currently, the District’s public notice posting places are the notice board located inside the District Office and on the District’s website.

Options for alternative publication suggested in the guidance document, include:

- Print or online newspaper;
- Local government website;
- Local government subscription service;
- Community website or newsletter;
- Local government Facebook page;
- Direct mail out;
- Posting at recreation centres.

## Considerations

In researching other municipalities that have implemented a public notice bylaw, staff have reviewed the various options for alternative publication noted above, and the following considerations are provided with respect to alternative publication methods.

### Print or online newspaper:

The number of print newspapers has been declining in recent years. The Province amended its public notice provisions in the Community Charter in response to feedback from some local governments that they were unable to meet the required advertising provisions due to a lack of print newspaper circulation in their areas. In August, 2023 a number of Lower Mainland municipalities were given only nine days notice that their local newspaper was ceasing print editions. In order to meet statutory notice requirements, those municipalities that didn’t already have a public notice bylaw in place, needed to scramble to adopt one. Barriere’s local newspaper, the Star Journal, has been very reliable and continues to produce print weekly editions. However, depending on the date calculations required by legislation for specific notices, ensuring the timing compliance with the scheduled Council Meeting/Public Hearing, has resulted in having to unnecessarily delay a process in a few cases.

Accordingly, it would be prudent for the District to adopt a public notice bylaw as a precautionary measure.

### For added clarity:

Adopting a public notice bylaw **does not mean** that the local government **must** provide its legislative public notice by the means provided within that bylaw as it can continue to post in two consecutive local newspaper editions. However, it would no longer be a mandatory requirement to do so, and the local government can choose either option provided by Section 94 of the *Community Charter*. Essentially, the adoption of this proposed bylaw does not *remove* public notice options available to the local government; it provides more flexibility which is the intention of the legislation.

Based on feedback received from municipalities that have adopted a Public Notice bylaw as to what alternative communication methods they have chosen to fulfill statutory public notice provisions, none have chosen their local newspaper's on-line version, citing various reasons, in particular, the postings are not under the control of the municipality and therefore the municipality has limited control over issues such as the accessibility and legibility of notices, and for how long the notices are posted. Additionally, the cost to post notices in online newspapers is similar in cost to the paper format.

Local government website:

Local government websites have become increasingly valuable and are often the first point of contact for residents, businesses, and visitors. As municipal websites have been increasingly used as a reputable source of information, most municipalities that have adopted a public notice bylaw are using their website as one of the required two alternate means of publication of notices. The District's website, quite proudly, has an easy to find "Local Notices" section on the front page that is easily sharable by users to their personal social media platforms.

Local Government Subscription service:

The District of Barriere's website regularly utilizes its E-News Subscription service and currently has approximately 340 subscribers to the service.

Local government Facebook page:

The District of Barriere is in the process of slowly converting its "Barriere Recreation" page to a general page to disseminate municipal updates, notices and events.

While some municipalities have chosen their Facebook page as one of their alternative communication methods, the City of Langley and the City of Burnaby are two examples of municipalities who have chosen not to, citing the following reasons:

- "Public notices are not a natural fit for content users, who do not generally subscribe to Facebook in order to receive legal statutory notices, which are often lengthy and text-heavy as notice content is legislated. Facebook only captions a snapshot of lengthy notices in a Facebook Feed and a user must click on the post itself to open and read the full post. It is common for either less social media savvy users or those who generally only read the snapshot and decide they've "got the picture", to not click on the full post, therefore not to receive the entire content and missing important information.
- The formal content of public notices is counter to what tends to be well received on Facebook.
- Members of the public may respond to Facebook notices in comments instead of the prescribed methods provided in the notices (for example, a comment on a Facebook post does not constitute a public hearing submission). Even with comments turned off, shared posts of legal notices to other pages not in control of the local government, can result in those who post in comments to falsely believe they've made a formal comment submission.
- Facebook ads and pushed notices have a cost associated by fees set out by the software provider."

This does not mean that the District couldn't use its Facebook page to advertise that a Public Notice for a "Public Hearing", or other legislative notice, has been published on the District's website and include a direct link to the full posting on the District's website. It just means that the local government wouldn't use Facebook as an *official* posting place in the context of meeting the legislative notice requirement within an alternative public notice bylaw.

Direct Mail-out:

While direct mail is an effective means of reaching residents, tenants and renters may be missed,

the cost to send direct mail to all District residents is much more costly than other alternative means and would take significant staff time to coordinate.

Posting at recreation centres: The Ridge Building is widely known as a community hub for residents and visitors; accordingly, staff believe that a dedicated notice posting board in the hallway outside of Council Chambers would provide a reliable, suitable, and accessible means of providing public notice.

## **Summary**

Given these considerations, staff recommend the District adopt a public notice bylaw (draft attached) that identifies a notice board in the Ridge main hallway and the District's E-News subscription service as the two alternate methods of providing statutory public notices. As the District already defines its website as a "Public Posting Place" in its Council Procedure Bylaw, it can't be used as an alternative posting place within this proposed bylaw.

As indicated previously, this would not preclude the District from utilizing other methods of communication, including the local newspaper and social media, as deemed appropriate. In addition, the District would have the option to post **one** notice in the local newspaper (ensuring that the municipality still supports its local newspaper), and utilize the other two alternative posting places permitted in the draft bylaw.

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## **Benefits or Impact**

### **General**

Adopting an Alternative Means of Public Notice Bylaw modernizes the District's public notice practices, provides more communication opportunities to reach its residents, and safeguards the District from unexpected newspaper publication disruptions. In addition, the adoption of an Alternative Means of Public Notice Bylaw supports the recommendations of the Development Approvals Procedures report and subsequent draft Bylaw included in this meeting's agenda for consideration.

### **Finances**

Legislative Notices are often lengthy and need to be easily read which requires well formatted, well-spaced text which increases the size of the advertising space that must be published. The average legislative notice costs approximately \$350-450 for each publication. Having the option to reduce the frequency of these publications can aid in keeping the cost of Development Applications from experiencing significant increases.

### **Strategic Impact**

Modernizing municipal bylaws has been identified as a priority in the District's 2025 Strategic Plan.

### **Risk Assessment**

**Compliance:** Complies with the relevant sections of the *Local Government Act* and *Community Charter*.

Risk Impact: Low – increases communication options for legislative notices.

#### Next Steps / Communication

- Should Council give first three readings to the attached Bylaw, the draft will be placed on the following Council Meeting agenda for adoption.
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#### **Attachments**

- DRAFT Alternative Means for Public Notice Bylaw No. 270

#### **Recommendation**

**THAT Council give 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings to Alternative Means for Public Notice Bylaw No. 270.**

#### **Alternative Options**

1. Council could choose not to adopt the draft bylaw at this time.
2. Council could choose to amend the draft bylaw prior to providing 3<sup>rd</sup> reading.

Prepared by:

T. Buchanan, Corporate Officer

Reviewed by:

D. Drexler, Chief Administrative Officer

**DISTRICT OF BARRIERE**  
**DRAFT - BYLAW NO. 270**

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**A Bylaw to provide for alternative means of publishing a notice**

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**WHEREAS** a Council must give notice of certain bylaws, public meetings, elections, public hearings, disposition of land or other notice requirements that are required to be provided through advertising as legislatively required under the *Community Charter* or *Local Government Act*;

**AND WHEREAS**, pursuant to the *Community Charter* section 94.2(1), a Council may, by bylaw, provide for alternative means of publishing a notice instead of publishing the notice in a newspaper in accordance with section 94.1(1)(a) and (b);

**AND WHEREAS**, pursuant to the *Community Charter* section 94.2(2), a bylaw adopted under this section must specify at least two means of publication by which a notice is to be published, not including posting in the public notice posting places;

**AND WHEREAS** Council is satisfied that the advertising methods set out in this bylaw are reasonable and meet the authority provided under Section 94.2 of the *Community Charter* to provide for alternative means of publishing a notice by adopting an Alternative Means of Public Notice Bylaw;

**NOW THEREFORE**, the Council of the District of Barriere, in open meeting assembled, enacts as follows:

**1. CITATION**

1.1 This bylaw may be cited as the “*Alternative Means of Public Notice Bylaw No. 270*.”

**2. DEFINITIONS**

2.1 In this Bylaw, unless the context requires otherwise:

- (a) “ELECTRONIC NEWSLETTER SUBSCRIPTION SERVICE” means the subscription service provided through the District of Barriere website.
- (b) “GENERAL STATUTORY PUBLIC NOTICES” means general advertisements that are required statutorily under the *Community Charter* or *Local Government Act*.
- (c) “LAND USE STATUTORY PUBLIC NOTICES” means land use related advertisements that are required to be statutorily advertised as per the *Community Charter* or *Local Government Act*.
- (d) “PUBLIC NOTICE POSTING PLACE” is as defined in the District of Barriere Council Procedure Bylaw as amended from time to time.

**3. INTERPRETATION**

3.1 In accordance with Section 94.2 of the *Community Charter*, alternative means of publication for the purpose of public notice shall be advertised as follows:

**(a) General Statutory Public Notices:**

- (i) from the date of this bylaw's adoption be advertised as follows:
  - a. In the Public Notice Posting Place;
  - b. The Ridge Building main hallway; and
  - c. Electronic newsletter subscription service.

**(b) Land Use Statutory Public Notices:**

- (i) From the date of this bylaw's adoption be advertised as follows:
  - a. In the Public Notice Posting Place;
  - b. The Ridge Building main hallway; and
  - c. Electronic newsletter subscription service.

**4. SEVERABILITY**

- 4.1 If any provision contained in the bylaw is found by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining provisions contained herein shall not be, in any way, affected or impaired thereby to the extent that the purpose of the bylaw may be fulfilled in the absence of the impugned provision or provisions of the bylaw.

**Read a FIRST time** this \_\_\_\_day of \_\_\_\_\_, 2026.

**Read a SECOND time** this \_\_day of \_\_\_\_\_, 2026.

**Read a THIRD time** this \_\_\_\_day of \_\_\_\_\_, 2026.

**ADOPTED this** \_\_\_\_\_day of \_\_\_\_\_, 2026.

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Mayor Rob Kerslake

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T. Buchanan, Corporate Officer