



Legislative Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7

clerks@newmarket.ca
tel.: 905-953-5300
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January 29, 2024

Sent via email

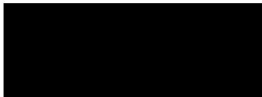
Attn: Minister of Municipal Affairs and Housing

RE: Notice Policy and Procedure By-law Update

I am writing to advise you that at the Town of Newmarket Council meeting held on January 22, 2024, Council adopted the following recommendations regarding the above referenced matter:

1. That the report entitled Notice Policy and Procedure By-law Update dated January 15, 2024 be received; and,
2. That the updated Notice Policy be adopted; and,
3. That the Procedure By-law amendment be adopted; and,
4. That Council supports the resolution of the Township of McKellar, that the Provincial government make an amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication for notice requirements for all provincial acts and regulations; and,
5. That a copy of this resolution be submitted to the Minister of Municipal Affairs and Housing, Paul Calandra; Attorney General, Doug Downey; The Association of Ontario Municipalities (AMO); and all Ontario Municipalities; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Yours sincerely,



Kiran Saini
Deputy Clerk

KS:eth



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Copy:
Doug Downey, Attorney General
Association of Ontario Municipalities (AMO)
All Ontario municipalities



Town of Newmarket Council Extract
Council - Electronic

Title: Notice Policy and Procedure By-law Update

Date: Monday, January 22, 2024

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the report entitled Notice Policy and Procedure By-law Update dated January 15, 2024 be received; and,
2. That the updated Notice Policy be adopted; and,
3. That the Procedure By-law amendment be adopted; and,
4. That Council supports the resolution of the Township of McKellar, that the Provincial government make an amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication for notice requirements for all provincial acts and regulations; and,
5. That a copy of this resolution be submitted to the Minister of Municipal Affairs and Housing, Paul Calandra; Attorney General, Doug Downey; The Association of Ontario Municipalities (AMO); and all Ontario Municipalities; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Notice Policy

Policy Number: Corp. 1-02

Policy Statement and Strategic Plan Linkages

The Municipal Act, 2001 as amended requires that a municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and the form, manner and times notice shall be given.

Purpose

This policy will outline the circumstances of notice and the form, manner and times that notice shall be given on matters where there is statutory notice required pursuant to the Municipal Act, 2001, the Ontario Heritage Act, and the Planning Act as amended. This policy does not intend to address notice requirements that may be required by other legislation or policy.

Definitions

In this policy:

Digital Newsletter means an online publication that the Town uses to communicate information.

Newspaper means a printed publication having general circulation in the municipality.

Notice means a digital or printed notification available to the public.

Town means the Corporation of the Town of Newmarket.

Website means the official Town of Newmarket website.

Provisions

1. The minimum public notice requirements and times are set out in Schedule "A" attached.
2. Notices that are to be published on the Website shall be the responsibility of the appropriate Town staff member (i.e., affected department).
3. Notices shall be written in plain language and in an accessible manner.
4. Notices shall include the following information as appropriate:

- 4.1. A description of the proposed action or the purpose and effect of the proposed by-law.
- 4.2. The date, time, and location of the meeting (if required).
- 4.3. Instruction on obtaining additional information, submitting comments, or attending a public meeting.
5. Staff may choose to provide additional or more comprehensive methods of notice at their discretion.
6. If a matter for which notice was given under this policy is deferred, adjourned, or continued to a future Committee of the Whole or Council meeting:
 - 6.1. All statutory requirements for notice of the future meeting will be complied with, if required.
 - 6.2. For non-statutory matters a public statement will be made at the meeting advising that the matter has been deferred, adjourned or continued to a future meeting specified in the statement.

Urgency Provision

If a matter arises which in the opinion of the Chief Administrative Officer in consultation with the Mayor is considered to be of an urgent or time sensitive nature, the notice requirements of this policy shall be waived and the appropriate staff shall make best efforts to provide as much notice and in the manner that is reasonable under the circumstances.

Cross-References

Accountability and Transparency Policy
Procedure By-law 2020-12 as amended.
Sale of Land Policy
Community Engagement Policy
Delegation By-law 2016-17 as amended.

Contact

Legislative Services, clerks@newmarket.ca

Details

Approved by: Council
Approval Date:
Policy Effective Date:
Last Revision Date: December 7, 2017
Revision No: 002

Appendix A – Notice Standards

1. Council and Committee of the Whole meetings

Legislative requirement per the Municipal Act, 2001, s. 238 (2.1): The procedure by-law shall provide for the public notice of meetings.

Town’s Notice Standard: The Procedure By-law will provide the form, manner and time for notice of public meetings.

2. Planning Act notices

Legislative requirement per the Planning Act: There are various requirements under the Planning Act for public notice depending on the matter.

Town’s Notice Standard: Notice will be provided in the form, manner and time required by the Planning Act. Where the Planning Act requires public notice in a newspaper, notice shall be given in accordance with the definition of Notice in this policy.

3. Change in composition of Council and changes to ward boundaries

Legislative requirement per the Municipal Act, 2001, s. 222 (3): Notice must be provided of the passing of a by-law within 15 days after adoption specifying the last date for filing of an appeal.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in the Town’s Digital Newsletter within 15 days after adoption of a by-law to change the composition of Council or to the ward boundaries.

4. Financial statements

Legislative requirement per the Municipal Act, 2001, s. 295 (1) (a) (ii): Within 60 days after receiving the audited financial statements for the previous year the treasurer shall publish a notice in a newspaper having general circulation in the municipality that the audited financial statements for the previous year are available.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in a Digital Newsletter within 60 days after receiving them.

5. Tax sales

Legislative requirement per the Municipal Act, 2001, s. 351 (8): Public notice must be given by the treasurer or their agent of the time and place of the auction, and the name of the person whose personal property is to be sold.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in any other manner as appropriate within 30 days.

6. Changing the name of a private road

Legislative requirement per the Municipal Act, 2001, s. 48: Public notice must be given of the intention to pass a by-law changing the name of a private road.

Town's Notice Standard: Notice will be provided when a written agenda, containing the change in private road name, is published on the Town's website and within the timeframe as established by the Town's Procedure By-law.

7. Intent to designate a property as having cultural heritage value or interest.

Legislative requirement per the Ontario Heritage Act, s. 26 (4): Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the Municipal Act, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper.

Town's Notice Standard: A notice required under the Ontario Heritage Act will be provided in writing, on the Town's website for a period of 30 days. The notice will comply in all other respects with the requirements of the Ontario Heritage Act including a description of the property, statement of heritage value, and timeline for a notice of objection.

Procedure By-law Edits due to Local Paper no longer in circulation.

12. Cancellation or Postponement of Meetings

- a) A regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Mayor and/or CAO.
- b) The Clerk gives Notice on the Town's website and time permitting, using the Town's electronic newsletter to indicate the cancellation or postponement of a regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.
- c) Meetings of other Committees may be cancelled or postponed by the Clerk, Recording Secretary, Chair or other assigned person where Quorum cannot be achieved, due to a lack of business items, by Committee resolution, or in the event of an emergency.

14. Notice of Meetings

- a) The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:
 - i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole.
 - ii) Providing Council with a revised agenda on each Thursday preceding the Meeting day of the Committee of the Whole.
 - iii) Using the Town's website to indicate the date and time of the Meeting of Council or Committee of the Whole.
 - iv) Time permitting, using the Town's electronic newsletter to indicate the date and time of the Meeting of Council or Committee of the Whole.
- b) The Clerk, Recording Secretary or other assigned person gives Notice of Meetings of other Committees, including regular Meetings of the Joint Council Committee (Central York Fire Services) by:
 - i) Providing an agenda to Committee Members one week prior to the Meeting.
 - ii) Time permitting, using the Town's website to indicate the date and time of the Meeting of the Committee.
- c) The Clerk gives Notice of special Meetings of Council or Committee of the Whole by:
 - i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 24 hours prior to the Meeting.

- ii) Using the Town's website to indicate the date and time of the special Meeting of Council or Committee of the Whole.
- iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the special Meeting of Council or Committee of the Whole.
- d) The Clerk gives Notice of emergency Meetings of Council or Committee of the Whole by:
 - i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date and time of the Meeting and general nature of the matters to be discussed.
 - ii) Using the Town's website to indicate the date and time of the emergency Meeting of Council or Committee of the Whole.
 - iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the emergency Meeting of Council or Committee of the Whole.
- e) The Clerk gives Notice of workshop Meeting of Council by:
 - i) Providing, at least 24 hours in advance, Notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
 - ii) Using the Town's website to indicate the date and time of the workshop, and time permitting.
 - iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the workshop Meeting.

15. Notice of Meetings Closed to the Public

- a) Where a matter may be considered by Council, Committee of the Whole, or a Committee for discussion in closed session, wherever possible, written Notice will include:
 - i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation;
 - ii) The general nature of the matter to be considered at the closed Meeting.

16. Invalidation of Notice of Meeting

- a) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.



Town of Newmarket
395 Mulock Drive P.O. Box 328,
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Posting Statutory Public Notices

January 3, 2023

With the local Newspaper Newmarket Era dissolved due to Metroland filing for bankruptcy, the following are measures to post and advertise Statutory Public Notices.

1. Post to News and Notices on the corporate website
 - a. Content will be under the following category: **Public Notice** and **Planning Notice**
 - b. The news article will appear on the homepage, and a section of the website called Statutory Public Notices.
2. Post to the Newmarket Calendar if a meeting is involved (i.e. statutory public meeting)
3. Advertise on Social Media on X (formerly Twitter) and Facebook. If a Statutory Public Meeting is involved, a Facebook event will be created. All social media posts will be linked back to the Public Notice on the Town's website.
4. If a statutory meeting is involved, advertise on NewmarketToday.ca and YorkRegion.com event pages

Optional:

1. A public service announcement (PSA) with the statutory notice will be sent to the local media. Note: sending out a PSA does not guarantee that a local newspaper will publish an article about the meeting.
2. Monthly Neighbor advertisement: purchase a standing advertisement in Neighbour.
 - a. This is the only printed media publication in Newmarket; however, it is a monthly publication with a longer-lead time and therefore does not meet the objective and Legislative definition of a paper to provide timely, quick turnaround public notice.
 - b. While we can't print a public notice directly in the publication due to lead times, a standing advertisement could include a QR code that drives back to the Newmarket webpage with the latest public notices.



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Notices to the Public: Communication Options

Background:

On September 15, 2023, Metroland Media, the company of the Town of Newmarket's local newspaper Newmarket Era announced the ending of all local papers effective immediately. The dissolution of the local paper also saw the end of the Town's print publication option for statutory notices/meetings and the Town Page (a weekly ad in the Newmarket Era that advertises public events, notices, upcoming Council Meetings and more).

The following are some communications tactics the Town can consider using to continue to provide sufficient public notice to the community.

Internal Resources:

Newmarket Website – newmarket.ca

Newmarket.ca has various components that can be used to advertise public notices, meetings, and events. These include a community calendar, designated webpage, a notice under news and notices that appear on the front of the website.

Pros:

- Town-owned communications vehicle; existing cost
- Ability for the Town to advertise its own news and notices
- Can be updated in a timely manner
- Ability to direct members of the public to visit the Newmarket website in combination with other tactics, such as a media release, social media post, digital ad, banner/road signs and more.

Cons:

- News items can get lost with the amount of information on the website
- Most users do not visit Newmarket's site via the homepage. Many searches through Google to find their desired content
- Requires the user to visit Newmarket's site for more information
- Unable to reach audiences who do not have access to a computer / mobile device

Public Engagement website – heynewmarket.ca

Projects that have a public engagement component are encouraged to have a project page on Heynewmarket.ca. The public engagement tools and tactics make it easier for users to provide

their feedback, learn about the project and stay up to date with the project timelines and more. HeyNewmarket project pages are included on all communications collateral to drive users to the project webpages (i.e. letter to residents, on-site signage at the location of the project, social media and more)

Pros:

- Town-owned communications vehicle; existing cost
- Ability for the Town to communicate project updates
- It is used in conjunction with other tactics such as a media release, social media post, digital ad, banner/road signs and more.
- Ability to direct members of the public to visit the Newmarket website in combination with other tactics.
- Can be updated in a timely manner.

Cons:

- Requires the user to visit this site for more information.
- Unable to reach audiences who do not have access to a computer / mobile device

Council Slides at the beginning of Council Meetings

Prior to the Council meeting starting, a series of Town news and advertisements are cycled on the screen.

Pros:

- Town-owned communications vehicle; no hard costs
- Opportunity as another avenue to push Town messaging out to the public.
- Potential to reach the audience who may be engaged but without computer access who attend Council meetings in person (limited audience)

Cons:

- Limited exposure to the community. Only available to those who are watching the Council Meeting.

LCD Screens (inside and outside facilities)

Newmarket had LCD screens inside and outside of facilities to help promote Town events and news. There is an ability to select which facilities you'd like to have the ads played across.

Pros:

- Town-owned communications vehicle; existing cost
- Ability to reach audiences within and in and around our facilities.
- Does not require access to a computer or mobile device for initial information

Cons:

- News can get lost with other initiatives and campaigns being advertised on the LCD Screens and distractions at facilities
- Inside facility screens require extra design work (not as fluid)
- Doesn't reach people who are not already engaged with the Town in some way.
- Requires user to go to a website for more information

Neighbourhood Mailouts

The Town of Newmarket can consider sending out targeted letter mailout for statutory meetings to a wider audience in conjunction with statutory requirements.

Pros:

- Opportunity to reach audiences at their home.
- Option to ensure residents are aware of upcoming statutory notices.

Cons:

- Higher cost – to send a 11X14 double sided print piece (unaddressed mail) to an estimated 16,416 households and businesses using Canada Post, the mailing costs are estimated at \$2,500 with additional costs for printing. Addressed mail costs are significantly higher at approximately \$20,000 in delivery costs alone.
- Inability to ensure mail gets to residents in a timely manner
- Tighter timelines to have items printed and dropped off at Canada Post for delivery.
- Hand delivery by staff will require many resources.
- Addresses with 'no junk mail' will not receive the letter if it is unaddressed.
- Can be costly and time consuming for staff to produce, get printed professional and then arrange to be delivered by Canada Post. RFP may be required if services exceed \$20k.
- Canada post delivers by delivery routes and postal codes. Some subdivisions may not receive the notice if they border on neighboring municipalities.

Advertisement within the Property Tax Bill

There is an opportunity to include important information as an insert along with the Property Tax Bill. Finance uses an external marketing company to print and issue Property Taxes which may require increased budget and lead time.

Pros:

- Opportunity to reach Newmarket property owners with Town News

Cons:

- Not all property owners opt in to receive a paper property tax bill.
- Renters are excluded from the distribution.
- Can be costly.
- Additional lead time may be required.

Media Release / Public Service Announcement

Newmarket can consider sending out a Statutory meeting announcement to the Town's local and regional media groups which in turn can be published as an article online and or mentioned through a radio update.

Pros:

- Town-owned communications vehicle; existing cost
- Opportunity to leverage online media sites to publish news articles related to statutory meetings

Cons:

- Potential increase in media calls to the department regarding the meeting.
- Media may not pick up all media releases sent to them and publish it into an article.

Social Media Campaigns and Posts

Social media posts on Facebook, X (formerly Twitter) and Instagram are used to promote public notices, meetings, and important information. Social media posts can be organic (non-paid) or paid to reach a wider audience.

Pros:

- Town-owned communications vehicle; low and scaleable cost for paid advertising
- Ability to reach audiences that currently follow the Town's social media channels and or produce paid ads to reach an even wider audience.
- Multiple platforms to reach audiences regarding Town News
- A resource that the Town currently uses and has adopted strategies to reach audiences.

Cons:

- Unable to reach audiences that do not have access to a computer/mobile device or does not follow the Town of Newmarket.
- Less control over who can see social media ads due to social media algorithms. Time-based versus popularity of the post.
- The Town needs to sign up for other forms of social media in order to reach an even wider audience (i.e. Snapd Chat, Tik Tok, online forums such as Reddit etc.)

External Resources:

Digital ads with Newmarket Today

Corporate Communications currently places digital ads with Newmarket Today. These digital ads are placed at random beside news articles throughout the website. The Town currently has three-sizes of ad placements for the site. Two of which can be changed at any time and one that can only be updated once a month.

Pros:

- Opportunity to market long terms initiative and link back to the Town's site if the user wishes to learn more.
- A different channel to market to Newmarket residents and surrounding communities
- Works better for long-term campaigns and initiatives (i.e., to Sign up for a Town's newsletter, or a new initiative such as ASE that has a long educational period timeframe)
- Could consider an ad driving to Meetings and another driving to Development Applications and ensure this page has information clearly available about all upcoming statutory meetings.

Cons:

- External resource; monthly cost per advertisement
- Can be blocked by ad blockers (if the user has ad blockers installed)
- Cannot control the frequency that the user sees the ad (digital ads are at random)
- Low click-through rates due to limited exposure to audiences

Monthly ads with Neighbor (formerly Snap'd)

Neighbor media, formerly known as Snap'd produces a monthly printed magazine that is currently distributed for free inside Newmarket facilities and in and around the community. Neighbor focuses on community events that involve the Town, Councillors, MPs and MPPs.

Pros:

- Option to provide a 'print' version of communication to the community.
- Free distribution from Neighbor in Town facilities and businesses

Cons:

- Unknown readership



- Long lead time given it's a monthly publication, therefore would not meet the public notice objectives for timely notice. However, we could consider a standing paid Town advertisement with a QR code linking to a website with updated information.
- External resource; monthly cost per advertisement

Advertisement within the Newmarket Hydro Bill

NT power provides an opportunity to use a portion of the bill to communicate messages to the bill receivers in Newmarket (450 characters max). One month prior to when you want the notice to go out is preferred as NT power has planned programming that may need to be shifted.

Pros:

- Opportunity to reach Newmarket Property Owners/Renters
- No external costs

Cons:

- Not all renters or landlords receive Hydro Bills
- Message may not be conveyed since this is appearing on the hydro bill. Topics will need to be tied back to have a connection with Hydro or services.
- Managed by Newmarket Hydro and the Town may not have priority in posting messages.

Interim Solution

- Post statutory ads on the Town's website with a link to the full ad, and supplement the advertising of the ads via the Town's current communications channels (i.e. social media, e-newsletter etc.)
 - **Consider:** Statutory Ads can be sent out as an advisory to the local media.
 - Newmarket will supplement this by posting the ad on the website and advertising the meeting on various communication channels.
 - **Note:** This option may lead to more media calls, and we cannot guarantee if the media will pick up and advertise the meeting.
 - Use existing communication channels to encourage residents to sign-up for e-news. Campaigns can be conducted to entice users to sign up. Include signage at facility kiosks or pull up banners to encourage people to sign-up for news
- Print hard copies of the e-newsletters and place a few copies at high-traffic facilities (i.e. Seniors Meeting Place). Consider also distributing or posting at select facilities outside of Town, such as condos, doctor's office waiting rooms.
- Monthly Neighbor advertisement: purchase a standing advertisement in Neighbour.
 - This is the only printed media publication in Newmarket; however, it is a monthly publication with a longer-lead time and therefore does not meet the objective and Legislative definition of a paper to provide timely, quick turnaround public notice.
 - While we can't print a public notice directly in the publication due to lead times, a standing advertisement could include a QR code that drives back to the Newmarket webpage with the latest public notices.

Longer Term Solution

- Conduct a town-wide survey on the Town's communications and how residents would like to receive information. This can be done via phone, at community events, and an all household/business mail-out.
- Options can include, how they would like to be informed of meetings and public input opportunities and general Town news.
- Findings from the survey will help make data-based decisions to determine the next steps on how to proceed with Town communications.

Other Solutions require more research into the legalities.

- Become our own news source. Using blogs, publish our own news and promote it on our own social media channels, effectively becoming our own news source to be a 'local paper'.



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

October 19, 2023

Hon. Doug Downey
Attorney General
McMurtry-Scott Bldg 11th Flr, 720 Bay St.
Toronto, ON M7A 2S9

Sent via email: Doug.Downey@ontario.ca

RE: Call for an Amendment to the *Legislation Act, 2006*

Dear Mr. Downey,

At the Regular Meeting of Council held on October 17, 2023, the Council of the Corporation of the Township of McKellar carried the following resolution:

Resolution No. 23-671

Moved by: Councillor Kekkonen

Seconded by: Councillor Zulak

WHEREAS Metroland Media Group has sought bankruptcy protection and will cease the print publication of its weekly community newspapers across Ontario, moving to an online-only model; and

WHEREAS Neil Oliver, Chief Executive Officer and President of Metroland Media Group, said the 71 Metroland community publications will be digital only going forward; and

WHEREAS the *Legislation Act, 2006* provides a definition of “newspaper” which applies to every Ontario Act and Regulation, as in a provision requiring publication, means a document that, (a) **is printed in sheet form**, published at regular intervals of a week or less and circulated to the general public, and (b) consists primarily of news of current events of general interest; (“journal”); and

WHEREAS Ontario Municipalities are required to follow publication and notice requirements for Provincial Acts and Regulations; and

WHEREAS communities such as the West Parry Sound Area cannot comply with publication requirements in Provincial Acts and Regulations as the Parry Sound North Star news publication is no longer being printed in sheet form and there are no other local news publications fitting the definition of “newspaper”; and

WHEREAS some small, rural, Ontario Municipalities may not have the means to bring an application to the Court to ask for directions and approval of an alternate manner of providing notice;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of McKellar does hereby request the Provincial government to make an amendment to the *Legislation Act, 2006* to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations; and

FURTHER request the support of all Ontario Municipalities; and

FURTHER THAT this resolution be forwarded to the Minister of Municipal Affairs and Housing, Paul Calandra; Parry Sound-Muskoka MPP, Graydon Smith; The Association of Ontario Municipalities (AMO); CEO and President of Metroland Media Group, Neil Oliver and all Ontario Municipalities.

Carried

Regards,



Karlee Britton
Deputy Clerk
Township of McKellar
deputyclerk@mckellar.ca
(705) 389-2842 x5

cc:

Paul Calandra, Minister of Municipal Affairs and Housing
Graydon Smith, MPP Parry Sound-Muskoka
The Association of Ontario Municipalities (AMO)
Neil Oliver, CEO & President, Metroland Media Group
All Ontario Municipalities