

NO: **R063**

COUNCIL DATE: **April 2, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **March 29, 2012**

FROM: **General Manager, Finance & Technology**

FILE: **0250-01**

SUBJECT: **Proposed UBCM Resolution Related to the Use of "Electronic Mail"**

RECOMMENDATION

The Finance and Technology Department recommends that Council authorize the City Clerk to forward to the Union of British Columbia Municipalities ("UBCM"), a request that the resolution attached as Appendix "A" to this report, addressing the need for legislation authorizing the electronic mailing of statutorily prescribed notices and other communications and documents, be included on the agenda for consideration at the 2012 UBCM Convention.

BACKGROUND

Surrey residents have made inquiries to staff about having notifications from the City of Surrey sent to them by way of email rather than by way of letters delivered through Canada Post.

Currently, both the *Local Government Act* and the *Community Charter* require municipalities to communicate specific matters to specific individuals or groups by way of "mail". The word "mail" is defined by the *Interpretation Act* as follows:

“**mail**’ refers to the deposit of the matter to which the context applies in the Canada Post Office at any place in Canada, postage prepaid, for transmission by post, and includes delivery.”

As a result of this definition, municipalities cannot utilize electronic communication methods (such as email) to provide legal notices to residents even where residents indicate a preference for this form of notification delivery.

DISCUSSION

In 2011, the City spent over \$800,000 on postage to meet the obligations of legislation. To improve the efficiency and effectiveness of the City’s communications and meet community expectations with respect to service, it would be beneficial if legislation was enacted that authorized local governments to send statutorily prescribed notices and other communications or documents by electronic mail.

In this regard, a resolution has been drafted for consideration by the UBCM and is attached as Appendix "A". It proposes the enactment of legislation that reflects the use of current

technology in relation to the delivery of legal notices by local governments. This will result in better service to residents and in lower costs to local governments.

The proposed resolution would expand the opportunities for the City to accommodate those individuals who would prefer to receive electronic notices from the City while still allowing those who prefer “hard copy” (paper) notices from the City to continue to receive such notices.

SUSTAINABILITY CONSIDERATIONS

The proposed legislation will support the objectives of the City’s Sustainability Charter by reducing environmental impacts related to paper consumption and the resources required to produce and deliver paper notices. More particularly, it will support the following action items in the Sustainability Charter:

- SC₃: Sustainable Procurement Policies;
- EC₄: Sustainable Fiscal Management Practices; and
- EN₂: Reduce Waste.

CONCLUSION

Based on the above discussion it is recommended that Council authorize the City Clerk to forward to the UBCM a request that the resolution attached as Appendix “A” to this report, that addresses the need for legislation authorizing the electronic mailing of statutorily prescribed notices and other communications and documents, be included on the agenda for consideration at the 2012 UBCM Convention.

Vivienne Wilke, CGA
General Manager
Finance & Technology

Appendix “A”: Proposed UBCM Resolution – “Use of Electronic Mail”

PROPOSED UBCM RESOLUTION

USE OF ELECTRONIC MAIL

City of Surrey

WHEREAS the current definition of the word "mail", as contained in Section 29 of the *Interpretation Act*, restricts a local government's means for forwarding statutorily prescribed notices and other communications to regular mail delivered by way of Canada Post, and does not recognize the efficacy that more modern electronic means of communication allow;

AND WHEREAS local governments are being called upon by their residents and business owners to introduce electronic means of communication for reasons related to better service, sustainability and cost containment:

THEREFORE BE IT RESOLVED that the Provincial Government be requested to enact legislation that allows local governments to electronically mail statutorily prescribed notices and other communications and documents.