
Advertising Review Panel

Date: May 17, 2022
Time: 9:30 AM
Location: Online Video Conference

Members

| | |
|--------------------------|---------|
| Councillor Pat Mullin | Ward 2 |
| Councillor Chris Fonseca | Ward 3 |
| Councillor John Kovac | Ward 4 |
| Councillor Matt Mahoney | Ward 8 |
| Councillor Sue McFadden | Ward 10 |

Participate Virtually, Telephone OR In-Person

Advance registration is required to participate and/or make a comment in the meeting. Questions and/or Presentation Materials must be provided in an advance of the meeting. Comments submitted will be considered as public information and entered into public record. To register, please email megan.piercey@mississauga.ca and for Residents without access to the internet can register by calling Megan Piercey, Legislative Coordinator at 905-615-3200 ext. 4915 no later than Monday, May 16, 2022 before 12:00 PM. Directions on how to participate will be provided. **Please note the Advertising Review Panel will not be streamed and no video will be posted afterwards.**

Contact

Megan Piercey, Legislative Coordinator, Legislative Services
905-615-3200 ext. 4915 | Email: megan.piercey@mississauga.ca

Find it Online

<https://www.mississauga.ca/council/committees/advertising-review-panel/>

1. **CALL TO ORDER**

1.1. Appointment of Chair

1.2. Appointment of Vice-Chair

2. **INDIGENOUS LAND STATEMENT**

"We acknowledge the lands which constitute the present-day City of Mississauga as being part of the Treaty and Traditional Territory of the Mississaugas of the Credit First Nation, The Haudenosaunee Confederacy the Huron-Wendat and Wyandotte Nations. We recognize these peoples and their ancestors as peoples who inhabited these lands since time immemorial. The City of Mississauga is home to many global Indigenous Peoples.

As a municipality, the City of Mississauga is actively working towards reconciliation by confronting our past and our present, providing space for Indigenous peoples within their territory, to recognize and uphold their Treaty Rights and to support Indigenous Peoples. We formally recognize the Anishinaabe origins of our name and continue to make Mississauga a safe space for all Indigenous peoples."

3. **APPROVAL OF AGENDA**

4. **DECLARATION OF CONFLICT OF INTEREST**

5. **MINUTES OF PREVIOUS MEETING - Nil**

6. **DEPUTATIONS**

6.1. Item 8.1 - Karina Tano-Gigante, Resident

7. PUBLIC QUESTION PERIOD - 15 Minute Limit

Public Comments: Advance registration is required to participate and/or to make comments in the virtual public meeting. Any member of the public interested in speaking to an item listed on the agenda must register by calling 905-615-3200 ext. 4915 or by emailing megan.piercey@mississauga.ca by Monday, May 16 before 12:00 PM.

Pursuant to Section 58 of the Council Procedure By-law 0044-2022, as amended:

Advertising Review Panel may grant permission to a member of the public to ask a question of Advertising Review Panel, with the following provisions:

1. Questions may be submitted to the Clerk at least 24 hours prior to the meeting;
2. A person is limited to two (2) questions and must pertain specific item on the current agenda and the speaker will state which item the question is related to;
3. The total public question period time is 15 minutes maximum and shall not be extended by the Chair; and
4. Any response not provided at the meeting will be provided in the format of written response.

8. MATTERS TO BE CONSIDERED

8.1. Third party advertisements on City property

9. OTHER BUSINESS

10. CLOSED SESSION

10.1. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Application of the Charter of Rights and Freedoms to Advertising on City Property

11. DATE OF NEXT MEETING - To be determined

12. ADJOURNMENT

City of Mississauga
Corporate Report



| | |
|---|---------------------------------------|
| <p>Date: May 2, 2022</p> <p>To: Chair and Members of Advertising Review Panel</p> | <p>Originator's files:</p> |
| <p>From: Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works</p> | <p>Meeting date: May 17, 2022</p> |

Subject

Third party advertisements on City property

Recommendation

That the criteria for advertisements and the process for an advertising review outlined in the City's Advertising and Sponsorship with the City Policy (03-09-01) be reviewed, as outlined in the corporate report dated May 2, 2022 from the Commissioner of Transportation and Works, titled "Third party advertisements on City property".

Background

The City of Mississauga permits advertising on City property, at City programs and in City media under the conditions outlined in the Advertising and Sponsorship with the City policy (see Appendix 1). City ads, and third-party ads on City property, must comply with this policy.

Third party ads appear on City property because the City has agreements in place with various advertising contractors who manage advertising media space (sell and install ads) on various infrastructure assets. The advertising contractors include Outfront Media (ads on transit shelters), Lamar Transit Advertising (ads on buses), Astral Media (ads on Digital Gateway Sign facing Burnhamthorpe Road) and AllVision (ads on digital overpass signage). The City obtains revenue, access to media space for City communications, and other benefits through separate agreements with each of these companies.

The City's Advertising Review Panel reviews requests to investigate any advertising located on City property or City materials. Requests can be submitted by a Mississauga resident, City staff person, or elected official using the Request for Review of Advertising form (see Appendix 2) available on the City's website. An advertiser may also request a review of an advertising decision by submitting that form, along with a picture/copy of the advertising to which the complaint relates, to the City Clerk's Office.

Comments

The City's Advertising and Sponsorship with the City Policy (03-09-01) was last reviewed in November 2020 and is due to be reviewed next in 2023 as part of the City's three-year policy review cycle. While the policy was last updated in 2020 to expand on sponsorship, it has received mostly housekeeping updates since 2010. At that time, the City's Legal Services advised on which policy criteria should be included based on court decisions that dealt with freedom of expression protection. There have been case law developments since 2010 that confirm and detail the City's obligation to make advertising decisions in accordance with the *Charter*, as discussed in a separate report from the City Solicitor dated May 9, 2022.

In August 2010, City Council established the Advertising Review Panel and since then has met once (on May 31, 2018) to review a particular advertisement. At that time, the threshold requirement was reached for the Panel to meet – the City Clerk's Office received at least five Request for Review of Advertising forms, from five Mississauga residents, about an advertisement. Discussion took place during that review on why the City did not have grounds to refuse the ad under review, and accordingly, did not direct the advertisement to be removed.

City staff and City advertising contractors continue to rely on the Advertising and Sponsorship with the City Policy to make decisions about whether a particular ad would be permitted on an infrastructure asset, such as a bus shelter or digital overpass sign. The courts have recently confirmed that staff and the Advertising Review Panel must also engage in a *Charter* analysis. Reviewing the policy criteria for advertisements and the process for an advertising review would be beneficial prior to the next scheduled policy review in 2023 to ensure the City's policy is reflective of relevant case law.

For example, an advertising campaign that appeared on transit shelters in Mississauga was the focus of a recent *Mississauga News* article on April 29, 2022. Through Outfront Media, the Understance ads also appeared beyond Mississauga on transit shelters in Vaughan, Newmarket, Oakville, Richmond Hill, Markham, King City and Aurora. City staff determined that the four-week campaign, which began on March 21, 2022, did not offend the City's policy criteria for acceptable advertising. MiWay received only two complaints about this particular advertising campaign while it was displayed.

Financial Impact

While agreements with advertising contractors generate revenue and other benefits to the City, financial considerations play no role in determining whether a particular advertisement is in compliance with the Advertising and Sponsorship with the City Policy.

Conclusion

The City's Advertising and Sponsorship with the City Policy was last reviewed in November 2020 and is due to be reviewed next in 2023 as part of the City's three-year policy review cycle. Reviewing the policy criteria for advertisements and the process for an advertising review would be beneficial prior to the next scheduled policy review in 2023 to ensure the City's policy is reflective of changes since 2010 in relevant case law.

Attachments

Appendix 1: Advertising and Sponsorship with the City policy (03-09-01)

Appendix 2: Request for Review of Advertising (form 2554)



Geoff Wright, P.Eng, MBA, Commissioner of Transportation and Works

Prepared by: Ryan Cureatz, MiWay Marketing Manager

City of Mississauga

Corporate Policy & Procedure



Policy Title: Advertising and Sponsorship with the City

Policy Number: 03-09-01

| | | | |
|--------------------------------|---------------------------------|---|-----------------------|
| Section: | Corporate Administration | Subsection: | Advertising |
| Effective Date: | November 25, 2020 | Last Review Date: | October , 2020 |
| Approved by: Council | | Owner Division/Contact: Community Services - Manager, Sponsorship, Recreation Division; Corporate Services - Manager, City Marketing, Strategic Communications; Transportation and Works - Manager, Marketing, Business Development, Transit Division | |

Policy Statement

The City of Mississauga permits Advertising and/or Sponsorship on City Property, at City Programs and in City Media only under the conditions outlined in this policy.

Purpose

The purpose of this policy is to ensure that all third party Advertising and Sponsorship opportunities are consistent with the City’s corporate values, image and strategic goals. Advertising and Sponsorship opportunities shall be undertaken with a view to ensuring that Advertising and Sponsorship on City Property, at City Programs and in City Media is appropriate and meets specific criteria.

This policy also outlines and identifies the roles and responsibilities of staff in administering all Advertising and Sponsorship in the City, including the signing authority for Advertising and Sponsorship agreements on behalf of the City and the process for reviewing Advertising decisions.

Scope

This policy only applies to Advertising and Sponsorship from external advertisers:

- On City Property
- At City Programs, and
- In City Media

For information on the process and criteria for naming or renaming of a facility where a Sponsorship or donation agreement doesn’t exist, refer to Corporate Policy and Procedure - Property and Facilities - Facility Planning - Facility Naming.

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| Policy Number: 03-09-01 | Effective Date: November 25, 2020 | |
| Policy Title: Advertising and Sponsorship with the City | Last Review Date: October , 2020 | 2 of 5 |

For information on advertising on road allowances, refer to Corporate Policy and Procedure - Property and Facilities - Use of Public Property - Portable Signs on Road Allowances.

This policy does not apply to Advertising or Sponsorship that is arranged as part of an official City opening or event or ward event.

Definitions

For the purposes of this policy:

“Advertising” means any paid or in-kind communications that are utilized to influence, educate or inform the public. This includes all forms of third party advertising.

“City Program” means any activity which is operated by the City and includes any City events.

“City Media” means any outlet used by the City to carry and deliver Advertisements and includes but is not limited to, direct mail; print (e.g. newspaper, brochure, flyer, magazine); digital media (e.g. web, e-mail, social media, mobile media); television; radio; billboard or message board.

“City Property” means all City-owned and controlled properties and facilities, including but not limited to, indoor and outdoor recreation fields; parkland; gardens; open space and boulevards; buildings and rooms; furniture; equipment and fixtures; vehicles; buses; fleet vehicles; and bus shelters.

“Panel” means the Advertising Review Panel as established by Council that is charged with the responsibility to review advertisements as requested.

“Sponsorship” means a mutually beneficial arrangement between the City and an external company, organization or person(s) where the external company, organization or person(s) contributes funds, goods or services to the City to offset the cost of City programs and/or in return for recognition, acknowledgement or other promotional consideration. Sponsorship includes naming rights, which is the exclusive right to name a City Property under the specific terms of an agreement.

Position Statement

The placement of any Advertising or Sponsorship on City Property, at City Programs and/or in City Media does not represent or imply any partnership with the City; the City’s endorsement of any product, service, person(s), company, organization, beliefs, views or any contents contained in the Advertising or Sponsorship; and does not constitute information or communication by or on behalf of the City.

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Criteria

Advertising and Sponsorship at the City must meet all of the following criteria:

- The Advertising or Sponsorship does not conflict with the City's core values, vision or strategic goals or does not adversely impact on the City's identity
- The Advertising adheres to the Canadian Code of Advertising Standards
- The Advertising or Sponsorship is not in conflict with any applicable laws, City by-laws or policies
- The Advertising or Sponsorship does not breach or conflict with any existing City Advertising or Sponsorship agreements and/or contracts
- There are no adverse effects on public safety
- The Advertising or Sponsorship does not incite violence and hatred
- The Advertising or Sponsorship does not present demeaning or derogatory portrayals of individuals or groups
- The Advertising or Sponsorship is not of questionable taste in style, content or presentation method
- The Advertising or Sponsorship does not minimize and/or detract from the image of the City and/or its employees
- In light of generally prevailing community standards, the Advertising or Sponsorship is not likely to cause deep or widespread offence
- Alcohol Advertising or Sponsorship will not be permitted at events geared to children or youth
- Tobacco and Cannabis Advertising and/or Sponsorship are not permitted in the City

The proposed location of Advertising or Sponsorship may have an impact when determining whether or not the criteria have been met.

Administration

Advertising

The applicable departmental business section that manages the particular City Property, City Program and/or City Media in question is responsible for determining if the proposed Advertising meets the criteria above and, if so, where the Advertising will be permitted (i.e. on which City Property, at which City Programs and in which City Media). The applicable departmental business section is also responsible for administering such requests or offers of Advertising in accordance with this policy.

Advertising agreements, which must be in a form satisfactory to Legal Services, are managed by the business section that enters into the agreement.

Sponsorship

Sponsorship requests or proposals received by any City division/department must be forwarded to the Sponsorship and Corporate Development Unit, Business Planning, Community Services Department. The request or proposal must be presented in writing and state the marketing

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benefits for both parties and desired duration. The Sponsorship and Corporate Development Unit is responsible for vetting all proposals and for ensuring that all agreements comply with this policy. The decision as to which Sponsorship proposals will be accepted is the responsibility of the Sponsorship and Corporate Development Unit, in consultation with the applicable City division/department.

All Sponsorships will be documented with a written agreement, which must be in a form satisfactory to Legal Services and consistent with the size, complexity, term and scope of the Sponsorship. All agreements will be for a fixed term and must not create an obligation for the City to continue beyond the term of the agreement. Agreements will be executed and managed by the Sponsorship and Corporate Development Unit.

Authorization

The following persons are authorized to execute Advertising and Sponsorship agreements on behalf of the City:

| Total Value of Contract/Agreement | Signing Authority |
|-----------------------------------|--|
| Less than \$5,000 | Staff delegated by the Departmental Director and with authority to manage cost centres, or their designate in writing |
| Less than \$50,000 | Managers delegated by the Departmental Director and with authority to manage cost centres, or their designate in writing |
| \$50,000 up to \$100,000 | the Departmental Director or their designate in writing |
| \$100,000 and over | applicable Commissioner or their designate in writing |

Council must approve any Advertising or Sponsorship agreements that grant naming rights to a City Program.

In order for the City to ensure that all Advertising and Sponsorship complies with this policy, requests for placement of non-English language Advertising or Sponsorship material must be accompanied by an English translation of the content.

Advertising Review

Requests for reviews related to Advertising at the City will be directed to the Panel. The Panel will review Advertising when:

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- City staff have declined an Advertising submission and the advertiser requests a review of the decision
- Questionable Advertising submissions, which will include a staff recommendation on approval or disapproval of the Advertising, are referred to the Panel by City staff
- A minimum of five Mississauga residents disagree with the City's decision to approve Advertising and request a review by the Panel, or
- The Mayor or a member of Council requests a review by the Panel of Advertising that has been approved by City staff

At the conclusion of the review process the Panel will:

- Approve the Advertising as submitted, or
- Not approve the Advertising

The decisions of the Panel will be final and binding. If the Panel does not reach a decision on an ad that is submitted for review within the timeframe prescribed in the Panel's Terms of Reference, the decision or recommendation of City staff, as applicable, will continue to apply.

Revision History

| Reference | Description |
|---------------------------|---|
| GC 148-98 – 1998 02 25 | |
| GC 0184-2010 – 2010 08 04 | |
| September, 2017 | Scheduled review. Housekeeping only. |
| March 28, 2018 | Housekeeping – Facility Naming policy title updated. |
| GC-0318-2020 – 2020 11 25 | Revised to clarify sponsorship and reflect current practices. |

Appendix 2: Request for Review of Advertising Form

Request for Review of Advertising

City of Mississauga
Corporate Services Department
Office of the City Clerk
300 City Centre Drive
Mississauga, ON L5B 3C1
Email: city.clerk@mississauga.ca



Personal information on this form is collected under the authority of Section 11 of the *Municipal Act, 2001*. It will be used by the City of Mississauga to administer and conduct Requests for Reviews under the Placing Advertisement with the City Policy #03-09-01. Questions about the collection of this personal information should be directed to: Panel Coordinator, Corporate Services Department, Office of the City Clerk, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1, 905-615-3200, ext. 5181.

If you have a concern about advertising that you have seen on City property or in a City publication or if you are an Advertiser who wishes to request a review of an Advertising Decision made by the City, please complete this Request for Review of Advertising form. All complaints must be received using this form and include a picture/copy of the Advertising to which the complaint relates. For more information, please read the Placing Advertisement with the City Policy #03-09-01.

CONTACT INFORMATION

Name

Mailing Address

Telephone Number

Email Address

SECTION A - To be completed for a Mississauga resident, City staff person, or elected official who is raising a concern about an ad on City property or publication.

Please complete this section and forward the form and a picture/copy of the Advertising to the Panel Coordinator (contact information listed above). Mississauga residents may submit this form via personal delivery, regular or registered mail, courier, facsimile, or email. City staff persons and elected officials may submit this form via personal delivery, inter-office mail, or email.

- Note:
- A minimum of five (5) forms from five (5) Mississauga residents are required before Advertising is reviewed by the Panel.
 - This form will not be processed if it is not accompanied by a picture/copy of the Advertising.

1. Who is the Advertiser?
2. What is the product or service being advertised?
3. When did you see the Advertising (dd/mm/yy)?
4. Where did you see the Advertising (intersection/address)?
5. What are your grounds for requesting a review (a **City staff person** must also include their recommendation on whether the Advertising should be approved or disapproved)?

SECTION B - To be completed by an Advertiser who is requesting a review of an Advertising Decision

Please complete this section and forward the form, a copy of the Advertising Decision, and a copy of the Advertising to the City staff person who issued the Advertising Decision within five (5) business days of receiving the Advertising Decision. Advertisers may submit this form via personal delivery, regular or registered mail, courier, facsimile, or email.

1. Who is the Advertiser?
2. What is the product or service being advertised?
3. What are your grounds for requesting a review?