

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 19, 2019

Item 4, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on November 19, 2019.

4 CORPORATE POLICY - REVIEW OF ADVERTISING CONTENT ON CITY PROPERTY

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim City Manager, dated November 12, 2019:

Recommendations

1. That Corporate Policy No. 02.C.05, *Review of Advertising Content Displayed on City Property Policy*, be approved.

Committee of the Whole Report (2)

DATE: Tuesday, November 12, 2019

WARD(S): ALL

**TITLE: CORPORATE POLICY-REVIEW OF ADVERTISING CONTENT
ON CITY PROPERTY**

FROM:

Tim Simmonds, Interim City Manager

ACTION: DECISION

Purpose

To obtain approval of a new Corporate Policy, titled, “*Review of Advertising Content Displayed on City Property Policy No. 02.C.05*”. This Policy is intended to guide Council, Staff and the public in an open and transparent way on reviewing advertising content on City property. Further, the Policy safeguards the City’s reputation, assets and interests.

Report Highlights

- The City of Vaughan sells advertising in city-owned communication mediums to help off-set budget requirements for City programs and services.
- This Policy supports the placement of third-party advertisements on City Property to assist in the provision of City services.
- This Policy and Corporate Procedure outlines a process for administering requests to review advertising content on City property in a way that ensures access, fairness and conformity with prevailing legislation, standards and bylaws. And, safeguards the interests, property and reputation of the City.

Recommendations

1. That Corporate Policy No. 02.C.05, *Review of Advertising Content Displayed on City Property Policy*, be approved.

Background

In March 2019, Council adopted the following staff recommendation, “THAT, staff be directed to prepare for Council approval a new City of Vaughan corporate policy and procedure regarding third-party advertising on municipal property”. This Council resolution represents the origin of this report.

The City of Vaughan currently supports the sale of third-party advertising on City Property to generate non-tax revenue for City services. Examples include ads in the Recreation Guide, Community Centres and corporate magazines and publications. Council also approved the future development of digital billboards on City property for the purpose of generating non-tax revenue.

Advertising content displayed on City Property must comply with the *Canadian Code of Advertising Standards*, applicable statutes in Canada and Ontario, and City By-laws and policies.

The City of Vaughan does not have a formal policy in place to manage complaints and/or requests for review of advertising on City property that may arise from Council members, staff, the public, and other stakeholders.

Previous Reports/Authority

Staff report titled, “Billboard Revenue Potential Update” presented to the former Finance Audit and Administration (FAA) Committee on Monday March 4, 2019 [Extract Item 4, Report No. 5 of the Finance, Administration and Audit Committee](#)

Analysis and Options

On October 22, 2019, the Corporate Policy Review Committee, comprised of the Interim City Manager and Senior Leadership staff, reviewed this Policy and directed it to Committee of the Whole and Council for approval.

This Policy and related Corporate Procedure provides clear decision-making principles and a process to guide Council Members and Staff on how to review requests related to advertising content on City property

Advertising mediums currently exist to generate revenue from the sale of advertising on City property, such as print, digital and out-of-home. All of these advertising programs will be subject to the proposed Policy. Review of advertising on private property is out of Policy scope. These types of requests are referred to the owner of the advertising medium for their review.

Other municipalities and government agencies have similar Policy and Procedures to formally review advertising content on their assets

The City of Mississauga has a policy that outlines a review process that is administered by an advertising review panel (ARP) made up of Council Members. The City of Brampton’s advertising review panel is comprised of three (3) members of their Senior Management Team as selected by the City Manager. Conversely, the Toronto Transit Commission ARP is made up of TTC Staff. As can be seen, the make-up of the advertising review panel varies.

This report recommends that the advertising review panel be comprised of City staff as outlined in the Corporate Procedures. Further, all decisions of the Vaughan Advertising Review Panel will be communicated to Council on a public Standing Committee or Council agenda. In extraordinary situations, for ad content that is deemed or has created community wide sentiment or concern, the City Manager has the authority in the proposed Policy to opt-out of the advertising review panel process and refer a matter directly to a Standing Committee or Council for a decision.

Financial Impact

The sale of advertising on City property generates revenue for City programs and services that off-sets the budget and relieves the tax burden. The cost of administering the Policy is operational in scope. A budget amendment is not required as a result of approving the recommendations in this report.

Broader Regional Impacts/Considerations

N/A

Conclusion

Adoption of the proposed Advertising Content Displayed on City Property Policy will establish decision-making principles and a process for administering ad content review requests in a manner that ensures access and fairness. While the City supports the placement of third-party ads on City Property to assist in the provision of City services, the proposed Policy helps to safeguard the City’s reputation, assets and interests.

For more information, please contact: Dennis Cutajar, Director, Economic and Cultural Development.

Attachments

Attachment 1: Policy No. 02.C.05 - Review of Advertising Content Displayed on City Property

Prepared by

Dennis Cutajar, Director, Economic and Cultural Development, 8274

Attachment 1



CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: REVIEW OF ADVERTISING CONTENT DISPLAYED ON CITY PROPERTY

POLICY NO.: 02.C.05

Section:	Administration & Legal		
Effective Date:	Click or tap to enter a date.	Date of Last Review:	Click or tap to enter a date.
Approval Authority: Council	Policy Owner: City Manager		
POLICY STATEMENT			
<p>The City of Vaughan (the “City”) supports the sale of third-party advertising on City Property as a method to generate non-tax revenue for City services benefitting residents and businesses in Vaughan.</p> <p>Advertising content displayed on City Property must comply with the <i>Canadian Code of Advertising Standards</i>, applicable statutes in Canada and Ontario, and City By-laws and policies.</p> <p>A fair, consistent, and open approach to administering Reviews, that arise due to third-party advertising content displayed on City Property, safeguards the City’s vision, mission, image, reputation and public interests.</p>			
PURPOSE			
<p>A Policy that:</p> <ul style="list-style-type: none">○ Supports the placement of third-party advertisements on City Property to assist in the provision of City services;○ Safeguards the City’s corporate vision, image, assets, and interests;○ Permits the placement of third-party advertisements that do not contradict any laws under the Canadian Charter of Rights and Freedoms or legislation/regulation, by-laws or policies of the Province, City, or reflect negatively on the City’s public image; and○ Establishes a process for administering Review requests in a manner that ensures access and fairness.			

POLICY TITLE: ADVERTISING CONTENT DISPLAYED ON CITY PROPERTY

POLICY NO.: 02.C.05

SCOPE

This Policy applies to all third-party advertising content displayed on City Property, including Property subject to private public partnerships.

Out of Scope: This Policy does not apply to advertising on private land, buildings and structures in the City.

This Policy does not apply to advertising purchased by the City.

LEGISLATIVE REQUIREMENTS

Advertising on City Property must comply with the following:

1. The Canadian Code of Advertising Standards;
2. All applicable laws including the Constitution, and also Provincial and City By-laws, policies and procedures.

DEFINITIONS

For purposes of this Policy, the following definitions apply:

1. Advertising: The sale, lease, granting of City Property to a third-party for the purpose of promoting a product, service or cause.
2. Advertising Review Panel ["ARP"]: A panel consisting of three (3) Members of the City's Senior Leadership Team as determined by the City Manager, except for the Deputy City Manager for Administrative Services and City Solicitor, and the City Manager.
3. City: The Corporation of the City of Vaughan.
4. City Clerk: The City Clerk, or a designate.
5. City Property: City-owned assets and rental spaces. These include, but are not limited to, events, publications, indoor and outdoor facilities and open spaces, vacant land, separate components of a facility, signage, and other assets owned by the City, including assets subject to private public partnership agreements.
6. Council Member: The Mayor and Members of City Council.
7. Department Head: A senior management employee accountable and responsible for the operations of a City department, including Directors and Chiefs.

POLICY TITLE: ADVERTISING CONTENT DISPLAYED ON CITY PROPERTY

POLICY NO.: 02.C.05

8. Reviews: The process of examining a subject matter, whether retroactively or proactively.
9. Review Requests: A written request to the City Clerk to have a Review of advertising content on City Property from the following parties:
 - 9.1. A Council Member who submits one (1) self-identified Review Request, or
 - 9.2. Any ten (10) members of the public, along with their name, address and contact information, who want a Review of the same advertisement, or
 - 9.3. A third-party advertiser, and/or their agent(s), who requests a Review of advertising content prior to, or post publishing.

POLICY

1. General

- 1.1. The placement of any advertising by a third-party on City Property does not represent or imply any partnership with the City, nor the City's endorsement of any product, service, person(s), company, organization, beliefs, views, or any contents contained in the advertisement and does not constitute information or communication by or on behalf of the City.
- 1.2. All third-party advertising on City Property is managed by contract between the City and advertising entity(ies) and/or their agent(s), administered by the Department Head responsible for the subject City Property. The content of such contracts is prepared to the satisfaction of the Department Head, and in a form satisfactory to the Legal Services Department.

2. Review Request Process

- 2.1. All Review Requests shall be submitted directly to the City Clerk, in accordance with the form and requirements of the City Clerk.
- 2.2. Upon receipt of a completed Review Request, the City Clerk will immediately:
 - 2.2.1. Register it
 - 2.2.2. Summarize it
 - 2.2.3. Circulate it to the Legal Services Department for a legal opinion
 - 2.2.4. Notify the Director of Corporate & Strategic Communications
- 2.3. Upon receiving the legal opinion, the City Clerk will circulate the registered Review Request to the ARP for their Review.

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- 2.4. The ARP has the authority:
- 2.4.1. To assess registered Review Requests, summaries, and legal opinions;
 - 2.4.2. To decide to accept or refuse the display of advertising content on City Property without Council approval; and/or
 - 2.4.3. To refer registered Request Reviews to City Council that are determined to be non-routine (examples such as a community-wide impact or legal implication). A staff report, authorised by the City Manager, shall accompany the referred matter to Council.
- 2.5. Each member of the ARP independently submits their decision to the City Clerk in writing for tally by the City Clerk. The majority count determines the final decision of the ARP.
- 2.6. Notwithstanding 2(iii) of this Policy, the City Clerk communicates ARP decisions to the Review Request party, any applicable Department Heads, and to other effected entities. Except for Request Reviews under 4(iii), all ARP decisions are communicated to Members of Council, as a written Communication Item on an agenda of a future Standing Committee or Council meeting.
- 2.7. Upon receiving notice of the ARP or Council decision by the City Clerk, the applicable Department Head responsible for the subject Property fulfils the direction. For example, if the ARP or Council refuses advertising content on City Property, the Department Head ensures the ad is removed, or not displayed on City Property.
- 2.8. Time is of the essence in administering this Policy.

ADMINISTRATION

Administered by the Office of the City Clerk.

Review Schedule:	3 Years <small>If other, specify here</small>	Next Review Date:	January 1, 2024
Related Policy(ies):	CIIR-001 - Corporate Partnerships		
Related By-Law(s):	140-2018 Signage		

POLICY TITLE: ADVERTISING CONTENT DISPLAYED ON CITY PROPERTY

POLICY NO.: 02.C.05

Procedural Document:	PRC.12- Review of Advertising Content Displayed on City Property
Revision History	
Date:	Description:
17-Jul-19	Original Policy Drafting
Click or tap to enter a date.	
Click or tap to enter a date.	