

City of Mississauga - Advertising Review Panel

Terms of Reference

1.0 Background

The City of Mississauga Advertising Review Panel is established and authorized by Council pursuant to Resolution # 0184-2010.

2.0 Scope and Purpose

The purpose of the Advertising Review Panel is to review Advertising as requested under the City of Mississauga's Placing Advertisement with the City Policy # 03-09-01, as may be amended from time to time. All reviews will be conducted in accordance with these Terms of Reference and all decisions of the Panel will be final and binding.

3.0 Definitions

Any terms that are not specifically defined in these Terms of Reference shall have the meaning that has been attributed to them in the City's Placing Advertisement with the City Policy # 03-09-01.

"Advertiser" means the person who wishes to place Advertising on City property.

"Advertising Decision" means the decision of City staff with respect to a request to place Advertising on City property under the City's Advertising Policy.

"Advertising Policy" means the City of Mississauga's Placing Advertisement with the City Policy # 03-09-01, as may be amended from time to time.

"Business Day" means Monday to Friday inclusive except statutory or civic holidays observed in the City of Mississauga and any day on which the staff administrative offices of the City are closed.

"Child" has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

"Conflict of Interest" means a conflict of interest due to (i) an interest declared under the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*; (ii) the Member or the Parent, Spouse or any Child of the Member being the subject of or referred to in the Advertising; or (iii) the Advertising in question belonging to a Member or the Parent, Spouse or any Child of the Member.

"Council" means the council of the City.

“City” means The Corporation of the City of Mississauga.

“Mayor” means the mayor of the City.

"Member(s)" means the person(s) appointed by Council to be member(s) of the Panel for a specified term.

“Panel” means the City’s Advertising Review Panel.

“Panel Coordinator” means the member of City staff who has been assigned to perform the administrative tasks required by the Panel, on behalf of the Office of the City Clerk.

“Parent” has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

"Party(ies)" includes the Advertiser who has been served with an Advertising Decision by the City, and any person who has submitted a Request for Review, with respect to the Advertising to be reviewed/under review by the Panel.

“Request for Review” means a written notice requesting that the Panel review an Advertising Decision or Advertising as applicable.

“Spouse” has the meaning ascribed to it in the *Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50*.

4.0 General

These Terms of Reference apply to all reviews conducted by the Panel.

5.0 Composition

The Panel shall be composed of at least five (5) members of Council.

6.0 Selection of Members

Panel Members shall be appointed by resolution of Council.

7.0 Term

All Panel Members shall be appointed for a two (2) year term, with the exception of the Members of any Panel that is established by Council prior to December 2010, in which case the Members shall be appointed until the end of the term of the existing Council.

8. Face to Face Meetings of the Panel

- 8.1** *Inaugural Meeting:* The Panel shall adopt the Terms of Reference for the Panel at its inaugural meeting on a date and time to be determined by the City Clerk following the appointment by Council of the Members for the current term. Notwithstanding the foregoing, for any Panel that is established by Council prior to December 2010, the Terms of Reference may be adopted directly by Council and no inaugural meeting is required, unless Council decides otherwise.
- 8.2** *Changes to Terms of Reference:* The Panel may make changes to any of the terms in these Terms of Reference in accordance with this section 8.
- 8.3** *Face to Face Review:* Any Member may call a face to face meeting under this section 8 at any time to deal with any business as may be required with respect to the Advertising Policy, the process of or to conduct a review of an Advertising or Advertising Decision. The Panel Coordinator shall schedule such face to face meeting at the request of the Member.
- 8.4** Three Members constitutes a quorum at meetings under this section 8.
- 8.5** If no quorum is present 30 minutes after the time appointed for the commencement of a meeting scheduled under this section 8, the Panel Coordinator shall re-schedule the meeting.
- 8.6** When the number of Members who refrain from participating in debate of a matter, or voting by reason of having declared a Conflict of Interest, leaves a remaining number of Members that does not make quorum, the remaining Members will be deemed to constitute quorum, provided that not less than two (2) Members remain present to continue the meeting.
- 9.0 Chair and Duties of the Chair**
- 9.1** At its inaugural meeting, the Panel shall elect one of its Members as chair for the current term, or until a successor is appointed.
- 9.2** When the chair of the Panel is absent through illness or otherwise, the Panel may appoint another Member as acting chair.
- 9.3** If the chair of the Panel resigns as a Member or resigns as the chair of the Panel, the Panel shall appoint another Member as chair for the balance of the current term, or until a successor is appointed.
- 9.4** The chair of the Panel shall preside at any face to face meeting of the Panel and may vote.

9.5 The chair of the Panel shall call the face to face meeting to order.

9.6 The chair of the Panel shall enforce the observance of order and decorum during face to face meetings.

10.0 Requests for Review by the Panel

10.1 An Advertiser who wants a review of an Advertising Decision must submit a Request for Review to the City staff person who issued the Advertising Decision within five 5 Business Days of receiving the Advertising Decision.

- (1) The Request for Review shall include a copy of the Advertising Decision, a statement setting out the grounds for the review, a copy of the Advertising and the name, telephone number and address for service of the Advertiser.
- (2) The City's staff person who receives the Request for Review will then forward such Request for Review, all accompanying documents and the reasons for the Advertising Decision to the Panel Coordinator.

10.2 A Mississauga resident who wants the Panel to review an Advertising that is being displayed on City property must submit his/her Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a picture/copy of the Advertising, the location of the Advertising, the grounds for requesting the review and the name, telephone number and address for service of the person requesting the review.
- (2) A Request for Review made under Section 10.2 shall only be considered by the Panel upon receipt by the Panel Coordinator of five (5) such Requests for Reviews from five (5) Mississauga residents.

10.3 A City staff person who wants the Panel to review questionable Advertising must submit his/her Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a copy of the Advertising, the reasons why the City staff person wants a review of the Advertising and a recommendation on whether the Advertising should be approved or disapproved.

10.4 When a member of Council or the Mayor wants the Panel to review an Advertising that is being displayed on City property, s/he must submit a Request for Review to the Panel Coordinator.

- (1) The Request for Review shall include a picture/copy of the Advertising, the location of the Advertising and the grounds for requesting the review.

10.5 A Request for Review under Sections 10.1 and 10.2 shall be transmitted by:

- (1) personal delivery;
- (2) regular or registered mail;
- (3) courier;
- (4) facsimile; or
- (5) email.

10.5 A Request for Review under Sections 10.3 and 10.4 shall be transmitted by:

- (1) personal delivery;
- (2) inter-office mail; or
- (3) email.

- 10.6** (1) Upon receiving a Request for Review and all accompanying documents under Sections 10.2 and 10.4 , the Panel Coordinator shall forward the Request for Review along with the accompanying Advertising to the appropriate staff via email.
- (2) Upon receiving the Request for Review from the Panel Coordinator, appropriate staff shall (i) promptly advise the Advertiser that the Advertising will be sent to the Panel for review; and (ii) provide the Panel Coordinator with the grounds for the Advertising Decision within three (3) Business Days via email.

10.7 When the Panel Coordinator has all relevant documents relating to the Request for Review, an email requesting that the Panel review the Advertising and/or Advertising Decision(s) shall be forwarded to the Panel. The email shall include:

- (1) a copy of the Advertising Policy; and
- (2) a copy of the Request for Review(s) and the accompanying Advertising.

11.0 Advertising Review Procedures

11.1 Upon receiving an email from the Panel Coordinator in accordance with section 10.7, each Member will have three (3) Business Days to provide the Panel Coordinator with his/her decision via email on the Advertising in accordance with the Advertising Policy.

- 11.2** A Panel decision is made when a minimum of three (3) Members provide a decision on the Advertising, unless a decision is made under section 8.6.
- 11.3** If a decision is not made by the Panel in accordance to sections 11.1 and 11.2, the original Advertising Decision or the recommendation of City staff (as applicable) will apply to the Advertising.
- 11.4** If there is a tie vote by the Panel, the original Advertising Decision or the recommendation of City staff (as applicable) will apply to the Advertising.
- 11.5** Each Member must indicate the criteria in the Advertising Policy being relied upon in his/her decision.
- 11.6** The Panel Coordinator will forward the decision of the Panel to the applicable City staff and all Parties involved in the review of the Advertising or Advertising Decision.
- 11.7** A decision of the Panel is final and binding.