



## **ADDITIONAL AGENDA ITEMS**

### **REGULAR BUSINESS MEETING OF CITY COUNCIL MONDAY, NOVEMBER 24, 2014, COUNCIL CHAMBER**

#### **2. CONFIRMATION OF AGENDA**

##### **Recommendation**

That the agenda for today's meeting be amended by adding the following matters:

1. Letters submitting comments from Michael Grisdale Snr., Dick Melnychuk, Maryann Behme, and Ryan Gerstmar regarding Agenda Items 8.6.5 and 8.10.1;
2. Executive Committee Reports dated November 24, 2014, as Urgent Business Items 12.1 and 12.2 and outlined below; and
3. Request to speak from W. Thomas Molloy, on behalf of Councillor Pat Lorje, regarding Agenda Item 12.2.

#### **12. URGENT BUSINESS**

##### **12.1 Code of Conduct – Complaint of Breach (File No. CK. 255-1)**

###### **Recommendation**

That the information be received.

##### **12.2 Code of Conduct – Complaint of Breach (File No. CK. 255-1)**

###### **Recommendation**

That the following sanction be imposed upon Councillor Lorje:

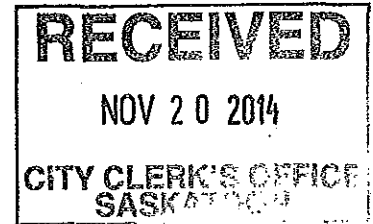
That Councillor Lorje have restrictions on how documents are provided, prior to and during *In Camera* portions of meetings of Executive Committee and the Standing Policy Committees, for a one-year term, as set out in this report.

add. 8.65 + 8.10.1

Jenkins, Sandy (Clerks)

5300-8

From: CityCouncilWebForm  
Sent: Thursday, November 20, 2014 9:42 AM  
To: City Council  
Subject: Write a Letter to City Council



TO HIS WORSHIP THE MAYOR AND MEMBERS OF CITY COUNCIL

FROM:

Michael Grisdale, Snr.  
PO Box 507  
Saskatoon, Saskatchewan  
S7K3L6

EMAIL ADDRESS:

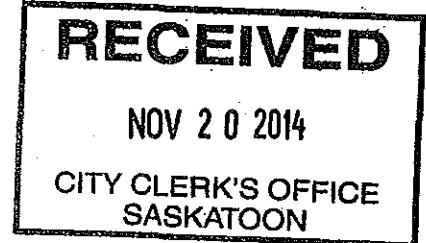
mgrisdale@hotmail.com

COMMENTS:

With the plethora of speed limits on Circle Drive and signs exhorting "slower traffic keep right", it is almost impossible to travel its full length and conform to the constant changes. One must constantly look out for signs, some of them not that visible. Circle Drive as it is moves traffic along quite safely, all I can see photo radar doing is causing people to slow down unnecessarily in order to avoid fines, causing frustration and pile-ups. A constant speed limit might be the answer to safety concerns, and a definite guideline for motorists. 80Kph everywhere would probably satisfy everyone, including SGI which seems to have got into the law enforcement business, and the police who try to enforce their whims. The optics of this whole photo radar thing are terrible.

5300-8

From: CityCouncilWebForm  
Sent: November 20, 2014 11:57 AM  
To: City Council  
Subject: Write a Letter to City Council



TO HIS WORSHIP THE MAYOR AND MEMBERS OF CITY COUNCIL

FROM:

Dick Melnychuk  
171 A.E. Adams Crescent  
Saskatoon, Saskatchewan  
S7K 5M6

EMAIL ADDRESS:

dickmel@shaw.ca

COMMENTS:

I am pleased to hear that Council has undertaken to publicly debate the merits and/or conditions of the proposed SGI photo radar project planned for Saskatoon.

Let me state that I am not opposed to photo radar deployment on Saskatoon streets provided the use of photo radar is utilized in a common sense manner for its stated traffic safety purpose and not as some have charged "a cash grab".

Past media statements attributed to SGI personnel that motorists could or would be ticketed for driving as little as 1 km/hr over the speed limit screams "cash grab" and fuels support for that argument.

Recent media comments by our well respected Chief of Police Weighill stating that generous margins of tolerance would be utilized for photo radar consistent with margins utilized by police officers engaged in traditional radar duties is reassuring and should provide motorists with comfort and confidence that they will not be ticketed for driving 1 or 4 or 6 km/hr over the posted limit.

I would suggest that doing otherwise not only supports the "cash grab" argument but risks inadvertently training our motorists to focus far too much attention to their speedometers and placing less priority towards focusing their attention on the road ahead.

What is less clear to me is the nature of the proposed use of photo radar in school zones.

I recall the council debates leading to school zones first being enacted in Saskatoon. As I recall, in order to avoid complicated signage and bylaw wording council decided that school zones would be in effect from 8 to 5 Monday to Friday during the school year. I also recall at least one member of council publicly stating that police would use common sense and only enforce the bylaw for its intended purpose of protecting students during those periods of time when students were actually arriving at and departing from schools.

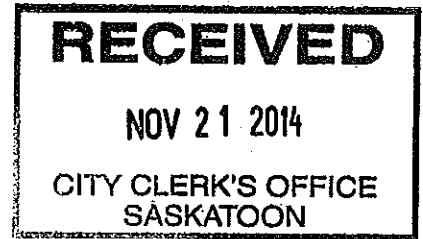
With respect to photo radar what I am not clear about is whether photo radar will be utilized to enforce school zone speed limits on statutory and provincial holidays and during extended school breaks such as Christmas and Easter when the legitimate reasons for which the bylaw was enacted do not exist.

Once again I would suggest that photo radar enforcement during those periods would support the "cash grab" argument and undermine public support not only for the legitimate traffic safety purposes of utilizing photo radar but for Council itself.

Of course it would be open to Council to amend the school zone bylaw to exclude statutory and provincial holidays as well as extended school breaks from enforcement periods. Doing so might very well serve as a tangible demonstration of Council's intent towards a policy of legitimate and common sense traffic enforcement and provide a very strong counter argument to those who will always maintain that photo radar is nothing but a cash grab.

I look forward to the debate to follow and wish you all the best in navigating this contentious issue.

From: CityCouncilWebForm  
Sent: November 21, 2014 6:06 AM  
To: City Council  
Subject: Write a Letter to City Council



TO HIS WORSHIP THE MAYOR AND MEMBERS OF CITY COUNCIL

FROM:

Maryann Behme  
101-910 Heritage Viewi  
Saskatoon , Saskatchewan  
S7H5S4

EMAIL ADDRESS:

mbehme@sasktel.net

COMMENTS:

To City Council  
Re. Photo radar

I think photo radar is a very good thing. If it will prevent just one fatality, it is worth it. Also I see strong necessity for red light cameras. Yesterday as I had to go out, I made a point of watching some things. At Mckercher and 8th, I was first in line to cross, and when light turned amber 4 cars went true and with my light green as another car speeded up and flew through the red light. Then I saw several vehicles along 8th who did not stop but slowed at red lights and kept going without stopping. At one I had to slam on my brakes to avoid hitting it. The only intersection where cars actually came to full stop at amber was at Preston & 8th. Then on College a vehicle was weaving in and out of traffic(speeding) to obviously get to front of line. Photo radar are becoming a necessity in this city.

**RECEIVED**

NOV. 24 2014

CITY CLERK'S OFFICE  
SASKATOON

Dear city council,

I had hoped to speak to this matter in person, but was unable to clear my schedule for the afternoon meeting. In my absence please consider the following letter.

In regards to photo radar, the city has the jurisdiction to decide on its implementation within city limits as the photo radar boxes will be placed on city land. The city deciding on what is placed on its own land does not violate the provincial police act.

I would like to petition against the city adopting photo radar for 4 reasons.

1. Electronically monitoring citizen should be done only in exceptional circumstances. These being under a court warrant or within a restricted area. Our freedoms were hard fought from the time of the Magna Carta and we the people should be loath to surrender them. Further to this please consider that in giving up freedoms we must not setup laws for reasonable administrations, but for unreasonable administrations. Once an unreasonable administration takes over it is too late to adjust the laws.
2. Photo radar is abused. In 2013 two of our closest neighbours, Edmonton and Winnipeg, utilizing this technology gave out is in excess of 400,000 tickets each. This represents more than a ticket for every other household. To add injury to insult the number of tickets being written is increasing annually. In Edmonton the number of ticket has doubled in the last 3 years! If photo radar is so effective at reducing speeding why is the number of tickets increasing in these cities?
3. Photo enforcement has demonstrably lacked due process in this city. We have real world experience with red light camera tickets taking over 6 months to arrive. This clearly doesn't result in behavioral modifications increasing traffic safety and is contrary to article 11 of the Canadian Charter of Rights of freedoms (see below). Before we even consider expanding photo enforcement we should resolve the existing problems!
  11. Any person charged with an offence has the right
    - (a) to be informed without unreasonable delay of the specific offence;
    - (b) to be tried within a reasonable time;
4. Photo radar is not the best way to increase traffic safety. Receiving a ticket weeks or as is currently occurring months after an infraction does not alter driving behavior. The best way to do this is to have a trained police officer provide a ticket on the spot. They have the training and judgement to make reasonable decision in real time taking into consideration environmental and vehicular factors which are not clearly evident in a photograph.

Additionally in regards to school zones, the best method at reducing speeds is to clearly identify the areas. People don't consciously speed through school zones, they enter them at speed because they are typically on high traffic corridors. Reducing speeds can be done by bringing the

location into attention through the use of marked trolleys in the middle of the road as is currently done by some Saskatoon schools. A ticket weeks later does not notify a driver they are entering a school zone. Another effective technique is to narrow the road way as was done on Silverwood road. Both of these methods immediately reduce speeds and focuses the driver on their surroundings vs their speedometer.

In closing the city should decide its own path in regards to the use of photo radar within its boundaries. It is not for the provincial government to decide and it is most certainly not within SGI's mandate. There are very serious segregation of duty issues with the way photo radar is being established in the city and the city council should not abdicate their responsibility in these matters. With this in mind please consider rejecting the use of photo radar for the reasons outlined above. There are better ways to improve traffic safety.

Best Regards,

Ryan Gerstmar

346 Assaly St.  
Saskatoon, SK  
S7T 0E2



## EXECUTIVE COMMITTEE

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### Code of Conduct – Complaint of Breach

#### Recommendation of the Committee

That the information be received.

*The Code of Conduct for Members of Saskatoon City Council* (the “Code of Conduct”) contains provisions requiring Council members to keep certain information confidential. Also, the Code of Conduct contains a process for dealing with alleged breaches.

The process for dealing with alleged breaches of the confidentiality requirements of the Code of Conduct is as follows:

- an alleged breach is reported to Executive Committee *In Camera*;
- Executive Committee meets *In Camera* and decides whether to proceed to investigate the potential breach. The decision to investigate, or not, is within Executive Committee’s sole discretion;
- if Executive Committee decides to investigate the alleged breach, it appoints an independent investigator to conduct the investigation. All proceedings regarding the investigation occur *In Camera*;
- after the receipt of the report of the independent investigator, Executive Committee meets to consider the matter. If a member of Council is identified in the report as being potentially responsible for the breach, the member is excluded;
- if Executive Committee believes a member is responsible for a breach of confidentiality, he/she is advised and given the opportunity to make oral and written submissions to Executive Committee;
- if Executive Committee, after hearing from the member, concludes a member is responsible for a breach, Executive Committee may, in its sole discretion, recommend to City Council that sanctions be imposed. The member is advised of Executive Committee’s conclusion and recommendations.

The Code of Conduct outlines sanctions which may be imposed by City Council. The Code of Conduct reads, in part:

“Sanctions may include, but are not limited to:





## EXECUTIVE COMMITTEE

- (a) removal of the council member from any national or provincial organization, civic board, commission, authority or committee except for Executive Committee, Planning and Operations, Administration and Finance and Budget Committee;
- (b) restriction of access to civic services or City Hall;
- (c) restrictions on how documents are provided (eg. no electronic copies, but only watermarked paper copies);
- (d) reduction in salary and/or benefits and/or expenses.”

Potential breaches of confidentiality were reported to Executive Committee on April 28, 2014 and May 26, 2014. The alleged breaches were that confidential information from two Executive Committee meetings were released to a member of the public and/or the media. Executive Committee decided to have the alleged breaches investigated by an independent investigator.

The investigator's report was considered by your Committee on September 22, 2014. The report contained no conclusive findings and, as a result, no further action was taken.

The cost of the investigation was \$7,959.27.



## EXECUTIVE COMMITTEE

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### Code of Conduct – Complaint of Breach

#### Recommendation of the Committee

That the following sanction be imposed upon Councillor Lorje:

That Councillor Lorje have restrictions on how documents are provided, prior to and during *In Camera* portions of meetings of Executive Committee and the Standing Policy Committees, for a one-year term, as set out in this report.

#### History

*The Code of Conduct for Members of Saskatoon City Council* (the “Code of Conduct”) contains provisions requiring Council members to keep certain information confidential. Also, the Code of Conduct contains a process for dealing with alleged breaches.

The process for dealing with alleged breaches of the confidentiality requirements of the Code of Conduct is as follows:

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- if Executive Committee decides to investigate the alleged breach, it appoints an independent investigator to conduct the investigation. All proceedings regarding the investigation occur *In Camera*;
- after the receipt of the report of the independent investigator, Executive Committee meets to consider the matter. If a member of Council is identified in the report as being potentially responsible for the breach, the member is excluded;
- if Executive Committee believes a member is responsible for a breach of confidentiality, he/she is advised and given the opportunity to make oral and written submissions to Executive Committee;
- if Executive Committee, after hearing from the member, concludes a member is responsible for a breach, Executive Committee may, in its sole discretion, recommend to City Council that sanctions be imposed. The member is advised of Executive Committee’s conclusion and recommendations.



## EXECUTIVE COMMITTEE

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- (b) restriction of access to civic services or City Hall;
- (c) restrictions on how documents are provided (eg. no electronic copies, but only watermarked paper copies);
- (d) reduction in salary and/or benefits and/or expenses.”

A potential breach of confidentiality was reported to Executive Committee on September 22, 2014. The alleged breach was that a confidential report had been released to a member of the public. Executive Committee decided to have the alleged breach investigated by an independent investigator.

The investigator’s report was considered by your Committee on November 5, 2014, and Executive Committee believed that Councillor Lorje was responsible for a breach of confidentiality under the Code of Conduct. Executive Committee believed that Councillor Lorje released a confidential report which had been received by members of Executive Committee, and was to be considered by Executive Committee at an *In Camera* meeting, by emailing the report to a member of the public contrary to the Code of Conduct.

Councillor Lorje was advised of this and provided an opportunity to make oral and written submissions to Executive Committee. Councillor Lorje acknowledged the release of the confidential report and apologized for the release.

Therefore, your Committee concluded that Councillor Lorje has breached the Code of Conduct by releasing a confidential report to a member of the public and recommends that sanctions under the Code of Conduct be imposed. As such, your Committee is recommending that Councillor Lorje have restrictions placed on how confidential documents are provided to her prior to and during in-camera portions of meetings of Executive Committee and the Standing Policy Committees, for a one-year term. The restrictions are as follows:



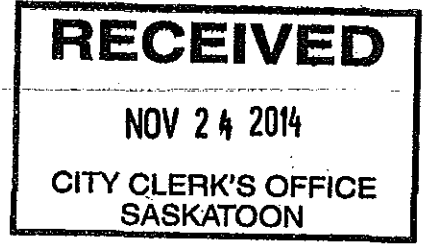
## EXECUTIVE COMMITTEE

- No further *In Camera* documents provided electronically;
- *In Camera* documents will be watermarked and viewed in the City Clerk's Office prior to an *In Camera* meeting;
- No electronic devices permitted while either viewing documents in the City Clerk's Office or during an *In Camera* meeting;
- Upon review of the *In Camera* documents in the City Clerk's Office, the documents and any notes are returned to the City Clerk;
- At the time of the *In Camera* meeting, the City Clerk will provide the watermarked documents previously viewed and any notes to Councillor Lorje;
- The documents are not permitted outside of the meeting room during the *In Camera* meeting; and
- Upon conclusion of the meeting, all watermarked documents and notes are returned to the City Clerk. The City Clerk will ensure all documents are accounted for prior to the member leaving the meeting room.

The cost of the investigation was \$2,642.00.

255-17

To: Sproule, Joanne (Clerks)  
Subject: RE: Alleged Breach of Code of Conduct Your File No. 171.0042



From: Tom Molloy [<mailto:wtmolloy@gmail.com>]  
Sent: Sunday, November 23, 2014 5:11 PM  
To: Sproule, Joanne (Clerks); Warwick, Patti (Solicitors)  
Cc: [pat.lorje@gmail.com](mailto:pat.lorje@gmail.com)  
Subject: Alleged Breach of Code of Conduct Your File No. 171.0042

As requested by the City Solicitor please be advised Councillor Lorje will be attending the Council meeting on November 24 and further she wishes to address Council on the issue.

W. Thomas Molloy, O.C.

**Molloy Negotiations**  
Phone 306-652-5255  
Cel 306-280-7535  
Fax 306-477-0352  
Email [wtmolloy@gmail.com](mailto:wtmolloy@gmail.com)