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## THE CORPORATION OF THE TOWN OF ESSEX OFFICE OF THE INTEGRITY COMMISSIONER REPORT TO COUNCIL IN OPEN SESSION

TO: Mayor McDermott and Members of Essex Council

FROM: Robert Swayze, Integrity Commissioner

DATE: August 29, 2017

SUBJECT: Code of Conduct Complaints from 5 Members of Council against  
Councillor Randy Voakes

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### **Recommendation:**

It is recommended that the remuneration paid to Councillor Randy Voakes for his services as a member of Council, be suspended for a period of two months commencing with the next pay period and that such suspended amount form part of general funds.

### **Background:**

#### Complaints against Councillor Voakes

I received complaints dated July 10, 2017, from Mayor McDermott, Deputy Mayor Meloche, Councillors Bondy, Bjorkman and Snively against Councillor Voakes alleging contravention of the *Code of Conduct for Members of Council* (the “Code”) by his continuing “disrespect for the process and rules” that all members of Council abide by, including his “aggressive and bullying” behaviour towards members of Council and staff.

The complaints refer to the following incidents:

1. On April 18, 2017, Council supported partial funding of a community event known as the *Rock and Roll Car Show*, which was recommended by the Finance Committee. Councillor Voakes argued for additional funding and left the chamber in an obviously distressed state following the delegation of volunteers supporting the show. He returned, silently staring at individual members of Council in a menacing manner. A series of E-mails between various members of Council with Councillor Voakes were included in the complaint and they display a complete rejection by the Councillor of any willingness to cooperate with any member of Council or to accept that the majority of Council makes the final decisions.
2. Several closed meetings were held regarding dismissal of the recently hired CAO which were not attended by Councillor Voakes. On the eve of her dismissal, when a labour lawyer was in attendance at the final closed meeting on the subject, Councillor Voakes opposed the decision violently. He walked out of the meeting, revved the motor of his car in the parking lot and raised his middle finger in the sight of some members of Council, as he drove away.

He later threatened to make public the cost of the dismissal decision of the closed meeting and when he was cautioned by a member of Council not to do so, he accused the Councillor in an E-mail of being an alcoholic impliedly, by saying: "Are you drunk again".

He subsequently wrote a letter to the editor complaining about the total cost of a list of decisions by Council which included the severance paid to the CAO. It is possible to calculate the approximate cost of the termination by deducting the total cost of the other decisions on the list which are in the public realm.

3. Councillor Bondy requested that the location of her seat at the Council table be changed to be apart from Councillor Voakes because she feels distracted and intimidated by his comments to her during Council meetings. Councillor Bondy has also requested other members of Council to walk her to her car in the parking lot to ensure her safety from Councillor Voakes.

#### Previous Complaints against Councillor Voakes

On August 22, 2016, Council considered my report on four complaints against Councillor Voakes and adopted my recommendation to suspend one month's salary from him for violation of the Code. I had received the complaints against him for falsely injuring the professional reputation of a staff member, for vulgar language to another staff member and generally bullying members of staff and Council. In addition to the recommendation to suspend his salary, my report

warned him that his aggressive behaviour must stop or I will recommend imposing further sanctions against him.

For the purpose of this report, I have watched all videos of meetings referred to me and interviewed by telephone the 5 complainants. I have also spoken with members of staff on numerous occasions to answer my questions. I interviewed Councillor Voakes on two occasions, also by telephone. In the 2016 complaints, he requested a personal interview which I granted but he has agreed with me that all interviews in this case would be by telephone to save costs.

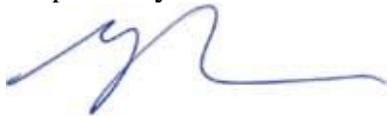
### **Analysis:**

It is clear that Councillor Voakes has refused to heed the warning to him contained in my previous report. When he takes a position on an issue, he will not accept that a majority of Council makes the final decision and not him. His reaction to rejection of his position on an issue is aggressive and often frightening to members of Council and staff. Staff working late have begun locking the doors of the Town Hall after 5:00 pm for fear that he might attend without the protection of numbers. In my opinion, his behaviour is severely impacting Council doing its business. None of the five complainants and no member of staff should be required to put up with his harassment, bullying and vulgar language. I have no power to order that he take anger management training but I strongly recommend it to him.

### **Conclusion:**

On my last telephone interview with him, I asked him how I can avoid recommending the maximum suspension of 3 months' pay given his unending aggression and disruption to the Town doing its business. He hung up on me. I earlier asked him how he expects to function as a productive member of Council when he has alienated every other member. He promised to change. However, I believe sanctions are necessary to emphasize the seriousness of his actions. He did not change after my previous warning and since then, I have seen no attempt by him to demonstrate that he is part of a team as a member of Council. This report recommends suspension of two months of his salary and if he continues and I receive a further valid complaint, the next recommendation will be three months.

Prepared by:



Robert Swayze  
Integrity Commissioner  
Attachment(s): none