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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 22, 2016

SUBJECT: Code of Conduct Complaints against Councillor Randy Voakes and others

Recommendation:

It is recommended that

1. The remuneration paid to Councillor Randy Voakes for his services as a member of Council, be suspended for a period of one month commencing with the next pay period, and
2. The report of the Integrity Commissioner dated August 22, 2016 be received for information.

Background:

I have received six complaints against members of Council, two of which are from the Mayor, two from members of staff and two from the Mayor's daughter, Ms. Pam McDermott. All of these complaints were filed initially with the former Chief Administrative Officer pursuant to the *Respectful Workplace Policy 016*. He referred them to me and I required all complainants to complete the complaint form required by the *Code of Conduct for Members of Council*, (the "Code"), which includes an affidavit swearing the contents to be true. The last of these forms was received by me on May 20, 2016.

Four of the complaints were against Councillor Voakes and I served them upon him with a request to respond within 10 days as the Code requires. I was advised by staff that he refused to respond but wished to meet with me personally to discuss the complaints. This meeting was held in the Town Hall on July 18, 2016.

For the purpose of this report, I have watched numerous videos of Council meetings, which are readily available on *You Tube* and I have reviewed the Code as well as all other relevant policy documents. I have had interviews with staff, many by telephone and some personally.

I will deal firstly with the two complaints from staff and then the four from the Mayor and his daughter.

Staff Complaints:

1. I received a complaint from Jeffrey Morrison, Manager, Finance and Business Services for the Town, that Councillor Voakes impugned his professional reputation contrary to the Code. The Councillor paid for a dinner to honour a local volunteer committee using his personal credit card. He claimed the expense from the Town and staff advised him that the expense was contrary to policy, refusing to pay it unless it was approved by the Finance Committee. After Finance Committee rejected the expense, in an open Council meeting, Councillor Voakes claimed that a member of finance staff had verbally approved the payment. Councillor Voakes did not specifically identify Mr. Morrison but it was obvious to those present as to whom he was referring. The CAO identified him by name later in the meeting.

I interviewed Mr. Morrison personally and he described a telephone call from the Councillor at the restaurant asking whether the cost of the meal would qualify for reimbursement by the Town and Mr. Morrison advised him that he is not familiar with the policy but that Ms. Hunter is in the office and he should talk to her. He became agitated and his response was: "F--- it, I'll do what I want and if anybody has an issue, they can deal with me." I believe Mr. Morrison and find that Councillor Voakes could not have interpreted the phone call as approval to expense the meal.

2. I received a complaint from Donna Hunter, Director of Corporate Services for the Town which described an incident prior to the Special Council meeting of November 30, 2015, when Councillor Voakes asked her when the cheque for the dinner would be issued and she advised him that it can't be issued without Finance Committee approval. He became angry and said: "Donna, just cut the f---ing cheque". This outburst by the Councillor was

quoted in the affidavit sworn by Ms. Hunter. Mr. Voakes denies saying this in that meeting and I don't believe him.

The complaint from Ms. Hunter describes other incidents where the Councillor's aggressive behaviour creates fear of violence in the workplace. At a closed meeting of Council on November 2, 2015, the Councillor became agitated, yelled at other Councillors and left the meeting slamming the door on his way out. At another Council meeting held on December 7, 2015, after a confrontation with the Mayor, he had a verbal clash with an off-duty police officer and left the meeting. After that meeting, some staff and council members did not want to go alone to their vehicles in the parking lot.

Conclusion:

I find that Councillor Voakes did falsely injure the ethical and professional reputation of Mr. Morrison contrary to the Code. He did not refer to him by name but he should have known that his identity was apparent to the meeting attendees. I also find that Councillor Voakes violated the Code in his inappropriate treatment of Ms. Hunter, including profanity and bullying. I recommend to Council that the remuneration paid by the Town for his services as a member of Council be suspended for a period of one month.

Complaints from Members of Council and Ms. McDermott:

I have received the following four additional complaints under the Code:

1. A complaint from the Mayor against Councillor Voakes alleging disrespect by him for the office of Mayor and as the chair of meetings.
2. A second complaint from the Mayor against Councillor Snively alleging that his behaviour at two Council meetings constituted harassment of the Mayor. After watching the video of the meetings, I found no merit in the complaint and did not serve a copy on Councillor Snively.
3. A complaint from Ms. Pam McDermott against Councillor Voakes alleging that he verbally assaulted her after the Council meeting of July 13, 2015, and
4. A second complaint from Ms. Pam McDermott against Councillor Bondy because she made a motion requesting her to apologize for her behaviour while sitting in the gallery of the Council Chamber during the Council meeting of October 15, 2015. I also saw no merit in this complaint and did not serve a copy on Councillor Bondy.

Conclusion:

In any investigation conducted by me, I regard newspaper articles as secondary evidence but cannot improve on quoting from an article in the Windsor Star published on May 1, 2016, about what I have concluded after watching innumerable videos of Council meetings in the Town of Essex:

“Chaos has too often prevailed over getting business accomplished during council meetings at Essex town hall. . . . Much of the turmoil can be traced to ongoing conflict between Essex Mayor Ron McDermott and Coun. Randy Voakes.”

As an Integrity Commissioner, I have had many complaints in many municipalities about the behaviour of members of Council in meetings. For all of them, I begin my analysis with the acceptance that vigorous political debate is part of democracy and often protected by the right of freedom of expression. To many new Councillors who are unable to develop a “thick skin”, I say welcome to politics. However, many Council meetings in Essex are dysfunctional specifically because of the animosity between the Mayor and Councillor Voakes.

It is the responsibility of all members of Council to participate professionally in all meetings to ensure that the business of the Town is accomplished. The Code requires all members to treat each other with respect at all times. I have viewed Councillor Voakes on several occasions deliberately provoking the Mayor as the Chair of the meeting. An example of this was when he asked for his resignation at the start of a meeting. The Mayor, as chair, has the power under the procedural by-law to deal with these provocations by simply declaring them out of order and moving on. I’m certain that Council would always support the Mayor’s ruling on a point of order if it meant getting on with the meeting.

Instead, the Mayor allows himself to be bated by the Councillor and an uncomfortable and time consuming argument between the two of them ensues. In another meeting the Mayor ordered that Councillor Voakes leave the meeting for not speaking through the Chair, which in my opinion, was not justified at that time by the conduct of the Councillor. I believe they both are sincerely dedicated to serve the Town as members of Council, but both appear to have a temper with a short fuse. Councillor Voakes needs to stop making personal comments to the Mayor and deliberately provoking him in meetings. The Mayor in the Chair, needs to start ignoring the Councillor and in consultation with the Clerk, simply declare him out of order.

Another cause of the many disruptions of Council meetings is the constant presence of the Mayor’s daughter in the gallery with no business reason to be

there. One of her two complaints is against Councillor Bondy for moving a motion to request that she apologize to the meeting for her disruptive behaviour in the gallery of the council chamber during a meeting or be ejected. I find this motion to be completely justified as an attempt by the Councillor to eliminate one of the causes why meetings are disrupted. Her other complaint is against Councillor Voakes for vulgar language directed at her. The Councillor advises that she makes gestures at him during Council meetings designed to provoke him and I believe him. However, nothing excuses him from his unprofessional behaviour and use of profane language to any citizen as a member of Council. A solution may be simply that the Mayor speak to his daughter for the good of the Town and request her not to attend the meetings if she intends to continue goading Councillor Voakes.

Conclusion:

I have no doubt that Councillor Voakes is the prime cause of the disruption of Council meetings in the Town of Essex and the uncomfortable work environment for staff. He must learn to control his temper and volatility in his dealings as a Councillor. I have decided at this time to warn him that this must stop. All of the four complaints arise from the poisoned relationship between him and the Mayor which is abetted by Ms. McDermott. I now hereby dismiss all of the four complaints. However, I invite any member of Council, staff or a member of the public to file with me a further complaint about Councillor Voakes' actions in the future and, if valid, I will recommend imposing further sanctions against him.

Prepared by:



Robert Swayze
Integrity Commissioner

Attachment(s): none