

Code of Conduct Investigation by the Integrity Commissioner

Executive Summary:

Council directed the Integrity Commissioner to investigate Councillor Roberts for sending a vulgar and abusive E-mail to all members of Council, a resident, the Clerk and the CAO. The Integrity Commissioner finds that the E-mail was contrary to the Council Code of Conduct and recommends that the Councillor be reprimanded.

Recommendation:

THAT the Integrity Commissioners report dated November 27, 2018 reporting on an investigation as directed by Council, of a complaint filed with Council by a resident, be received; and

THAT Council pass the following resolution:

THAT Councillor Bill Roberts be reprimanded for sending an E-mail to all members of Council, a resident, the Clerk and the CAO containing vulgar and abusive language contrary to Section 6 of the Council Code of Conduct

Background:

I was appointed the Prince Edward County Integrity Commissioner for a 5 year term commencing November 1, 2016.

Council received a request from a resident to enforce the Council Code of Conduct (the "Code") against Councillor Bill Roberts concerning an E-mail sent by him on October 19, 2018 to all members of Council, a resident, the Clerk and the CAO which contained vulgar and offensive language. On the next day, Councillor Roberts sent an apology for sending the E-mail to the same recipients.

It was alleged by the resident that Section 6 of the Code – Conduct Respecting Others, was contravened. Mayor Quaiff called a Special Council Meeting held on October 30, 2018 and a motion was adopted in open session directing me to investigate the complaint.

To assist me with the investigation, the Clerk completed the complaint form required by the Code and sent it to me. I decided that the Councillor is entitled to

be served with the complaint form as the Code requires for a complaint filed directly with me. On November 2, 2018, I sent the complaint form and a request for a response and asked him to respond by E-mail within 10 days. He was in the Antarctica on a ship, had difficulty receiving E-mails, but responded within the time limit. Since no formal complaint was filed with me by the complainant, I did not consult the complainant.

The Code provides as follows:

6. "CONDUCT RESPECTING OTHERS

All members of Council have a duty to treat members of the public, one another and staff with respect and without abuse, bullying or intimidation."

Analysis/Comment:

I will not repeat any of the language contained in the E-mail but find it abusive and includes loutish name calling directed at the resident recipient. I find that it is contrary to section 6 of the Code. The response from Councillor Roberts was lengthy and articulate. He regrets sending the E-mail and did not purposely copy the E-mail to the large group. He intended the E-mail to go to Councillor Gale only put pushed "reply all". I believe his contrition expressed in the response and he apologized to the recipients immediately. Also, his response to me contained a promise never to do anything similar again.

However, circulating such an E-mail to the resident, all members of Council and staff, whether on purpose or through inadvertence, cannot be excused. I have decided to recommend a reprimand but not any suspension of his salary.

Attachments:

None

Prepared by:



Robert Swayze
Integrity Commissioner

November 19, 2018