

Expertise for Municipalities (E4m)
Non-Profit Association
1894 LASALLE BLVD. SUDBURY, ON, P3A 2A4

Integrity Commissioner for the
Municipality of Huron Shores



INQUIRY

REPORT/DECISION

**ALLEGATIONS: CONTRAVENTION OF THE
MUNICIPALITY OF HURON SHORES**

CODE OF CONDUCT

BY: COUNCILLOR ROGER MULLIGAN

I. REQUEST FOR INQUIRY

- [1] Expertise for Municipalities (“E4m”) as Integrity Commissioner (“IC”) received a request for inquiry (hereinafter the “Request”) that alleged Roger Mulligan (“Councillor Mulligan” or “Respondent”), a member of Council for the Municipality of Huron Shores (“Huron Shores”), contravened four (4) sections of the municipality’s Code of Conduct (“Code of Conduct”).
- [2] The Requestor alleged that Councillor Mulligan contravened the Code of Conduct when he:
- Verbally disrespected municipal staff and attempted to direct their work and further that his behaviour was borderline harassment and created a toxic work environment when he on an ongoing basis publicly ridiculed the work performance of employees by email, at the office and in Council meetings;
 - Attempted to conduct illegal Council meetings; and
 - Breached confidentiality by disclosing a matter discussed in a closed meeting.
- [3] Section 223.6(1) of the *Municipal Act, 2001 (Municipal Act)* sets out that if the IC reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the IC may disclose in the report such matters as in the IC’s opinion are necessary for the purposes of the report.
- [4] Much of the evidence reviewed during this inquiry pertains to confidential and non-disclosable information, including details related to personnel matters and other sensitive topics protected under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* and the *Municipal Act*. While this evidence forms the basis of our findings, it cannot be disclosed in this report to ensure compliance with legal requirements and to protect the privacy and confidentiality of individuals involved. Our findings and conclusions, however, are based on a thorough and impartial review of this evidence.

II. FINDINGS/CONCLUSION

- [5] We find that Councillor Mulligan contravened the Code of Conduct by verbally disrespecting municipal employees, publicly criticizing their work, and attempting to direct their duties, actions that are inconsistent with the respectful, professional behavior expected of Council members. Such conduct undermines the dignity of municipal staff and creates a negative work environment, constituting a clear breach of the Code of Conduct.
- [6] We find that Councillor Mulligan contravened the Code of Conduct by attempting to conduct illegal meetings through email communication with all members of Council, effectively advancing municipal business outside of an open and properly noticed meeting. This action violated the open meeting requirements set out in the *Municipal Act* and the principles of transparency and accountability expected of Council members, constituting a breach of the Code of Conduct
- [7] We find that Councillor Mulligan contravened the Code of Conduct by disclosing confidential information from a closed session meeting, specifically related to an employment matter, without authorization. This disclosure not only violated the *Municipal Act* confidentiality provisions for closed sessions, but also breached the MFIPPA, undermining the trust and integrity required for handling sensitive information, and constituting a clear breach of the Code of Conduct.

- [8] With respect to the contravention of the Code of Conduct related to Councillor Mulligan’s treatment of Staff, we recommended that Councillor Mulligan receive a thirty (30) suspension of his remuneration for his actions. Additionally, Councillor Mulligan should be provided with further training on workplace harassment, the ethical treatment of municipal staff, and the expectations of elected officials in fostering a supportive and respectful working environment. A commitment to respectful conduct must be reinforced to prevent any recurrence of such behavior and to ensure the maintenance of a healthy and productive workplace.
- [9] With respect to the finding that Councillor Mulligan contravened the Code of Conduct by attempting to conduct illegal meetings, we recommend that Councillor Mulligan receive a formal reprimand for his actions.
- [10] With respect to the finding that Councillor Mulligan contravened the Code of Conduct by disclosing confidential information from a Closed Meeting we recommend a sixty (60) day suspension of remuneration. Further, Councillor Mulligan should undergo additional training on confidentiality protocols and privacy legislation to ensure full compliance with legal and ethical standards.

III. INQUIRY PROCESS

- [11] Upon receipt of the complaints, we reviewed the allegations and upon finding the Request within our jurisdiction to consider, we conducted a preliminary review of the allegations in accordance with the Integrity Commissioner Protocol, Schedule B to By-law #19-16.
- [12] Upon our review of the allegations submitted by the Requestor, we determined that, if proven to be true, they would constitute a contravention of the Code of Conduct, and we commenced our inquiry.
- [13] We interviewed the Requestor, witnesses and Councillor Mulligan. Of note, one of the witnesses, a member of the public, refused to participate in the interview but provided a written statement.
- [14] Additionally, we reviewed minutes and other relevant documentation.
- [15] The following pertinent sections of local bylaws and policies and Provincial legislation were considered:

1) Huron Shores “Code of Conduct” (Schedule 'A' to By-law #19-16)

5.1 Every member shall observe and comply with every provision of this Code of Conduct as well as all other policies and procedures adopted or established by Council

7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.

8.1 ... Every Member shall be respectful of the role of staff and Officers to provide advice based on political neutrality and objectivity and without undue influence from any Member or group of Members. Accordingly, no Member shall maliciously or falsely injure or impugn the professional or ethical reputation of any staff person or Officer

8.2 Members shall acknowledge and respect the fact that staff carry out directions of Council, through senior staff, including but not limited to the treasurer, clerk, director of public works, and administer the policies of the Municipality. No member shall perform, direct

or attempt to undermine the duties of any staff person or Officer except in accordance with the Municipality's Procedural By-law.

10. Confidential Information

10.1 No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office, in any form including, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.

10.2 No Member shall use Confidential Information for personal or private gain or benefit, or to disadvantage any other person or body.

10.3 Unless required by law, no Member shall disclose the substance of deliberations of meetings held in-camera and that are authorized to be held in-camera under the Municipal Act, 2001 or any other legislation unless or until Council discloses such information at a meeting that is open to the public or otherwise releases such information to the public.

10.4 Without limiting the generality of the foregoing, no Member shall, without lawful authority, disclose or make personal use of any of the following types of Confidential Information:

- a) Information concerning litigation, negotiation or personnel or labour matters;*
- b) Information the publication of which may infringe on the rights of any person (e.g. source of a complaint where the identity of a complainant is given in confidence);*
- d) Information deemed to be "personal information" under the Municipal Freedom of Information and Protection of Privacy Act; and*
- e) Any other information or statistical data required by law not to be released.*

14. Non-Compliance with this Code of Conduct – Sanctions

14.1 A Member found by the Integrity Commissioner to have contravened any provision of this Code, may be subject to one or more of the following consequences imposed by Council as referred to in the following:

- a) a reprimand;*
- b) suspension of the remuneration paid to the Member in respect of his or her services as a Member of the Council or Local Board, for a period of up to 90 days;*
- c) Other penalties, including, but not necessarily limited to:*
 - i. Removal from membership of a Committee or Local Board;*
 - ii. Removal as Chair of a Committee or Local Board;*
 - iii. Require repayment or reimbursement of moneys received;*
 - iv. Return of property or reimbursement of its value;*
 - v. A request for an apology;*
 - vi. Revocation of travel or another budget;*
 - vii. Request for resignation; and*
 - viii. Trespass order restricting access except for Council Meetings.*

2) Huron Shores Council Procedural By-law – By-law Number 23-01

1.16 Meeting.

"Meeting" means any regular, special or other Meeting of Council, a Local Board or a Committee where a Quorum of Members is present, and Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making

of the Council, Local Board or Committee as stated in Section 238 of the Municipal Act.

1.35 Urgent.

“Urgent” means, for the purposes of calling an Emergency Meeting, a matter that is occurring or imminent, and if not brought forward immediately, could result in or cause:

- a. Danger to the life, health or safety of individuals;
- b. Damage to property;
- c. An interruption of the essential services provided by the Municipality;
- d. Immediate and significant loss of revenue by the Municipality;
- e. Legal Issue and/or
- f. Prejudice to the Municipality.

5.4 Council (Municipal Act, s224) (as follows below)

5.8 Members of the Public.

It is the role of Members of the Public to:

- a. Attend Meetings which are open to the public;
- b. Follow the rules of order, polite conduct and decorum;
- c. Provide input and information to Council only at Meetings, or portions of Meetings specifically designed for public engagement and in a manner dictated by Council (e.g. writing, in person, electronic, etc.).

6.5 Closed Meetings

6.5.4 No Member, Officer or employee shall disclose the subject matter or deliberation of a Closed Meeting, unless expressly authorized to do so by Council or the Committee.

3) Municipal Act - Role of members of Council

a) Section 224

It is the role of council,

- (b) to develop and evaluate the policies and programs of the municipality;
- (c) to determine which services the municipality provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

b) Section 223.4 – Inquiry by Commissioner - Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or his opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.
2006, c. 32, Sched. A, s. 98.

c) Section 238 (1) In this section and in sections 239 to 239.2,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more councils or local boards; (“comité”)

“local board” does not include police services boards or public library boards; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 238

(1) of the Act is amended by striking out “police services boards” and substituting “police service boards”. (See: 2019, c. 1, Sched. 4, s. 33 (8))

“meeting” means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where,

(a) a quorum of members is present, and

(b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the

council, local board or committee. (“réunion”) 2001, c. 25, s. 238 (1); 2006, c. 32, Sched. A, s. 102 (1, 2); 2017, c. 10, Sched. 1, s. 25 (1).

Standard of Proof

- [16] The test for making factual findings is whether the alleged conduct occurred on a “balance of probabilities”. This means determining whether it is more likely true than not that the alleged conduct occurred. This is a lower threshold than the criminal standard of proof of beyond a reasonable doubt.
- [17] A requestor may genuinely believe the allegations are a contravention of law or the Code of Conduct, but that perspective may not be substantiated by the evidence.
- [18] Below are our factual findings based on the standard of balance of probabilities.

Credibility and Reliability

- [19] To make findings, we had to assess the credibility and reliability of the parties. The credibility of a person’s evidence differs from its reliability. *Credibility* relates to the sincerity and truthfulness of the witness. *Reliability* relates to the factual accuracy of the witness’s testimony and the party’s ability to accurately observe, recall and recount the events.
- [20] Someone can be credible (i.e., honest), but provide unreliable evidence. A person may be credible in certain respects but not others. But if they are not credible, their evidence cannot be reliable.
- [21] To assess credibility, we consider:
- Whether or not the individual has firsthand knowledge of the situation
 - Whether or not the individual had an opportunity to observe the events
 - Whether or not the individual may have bias or other motive
 - The individual’s ability to clearly describe events
 - Consistency within the story
 - The attitude of the individual as they are participating
 - Any admission of dishonesty¹

Reliability can be impacted by factors such as whether someone is objective or may be biased in some way.

¹ Faryna v. Chorny (1951), [1952] 2 D.L.R. 354 (B.C.C.A.), at Para 10, 11.

Alberta (Department of Children and Youth Services) v. A.U.P.A. (2009), 185 LAC (4th) 176 (Alta.Arb.)

Credibility and Reliability of Parties

- [22] We found the Requestor and four (4) of the witnesses to be credible and their evidence to be reliable.
- [23] We found Councillor Mulligan to be mostly credible and his evidence to be somewhat reliable. To be clear when Councillor Mulligan's evidence contradicted that of the other parties we preferred the evidence of the other parties.
- [24] We found the Ratepayer's written testimony to lack credibility. Evidence provided by an individual who is not credible cannot be considered reliable and would only warrant consideration if corroborated by a trustworthy source.

IV. FINDINGS OF FACT

Disrespecting Staff, Bordering on Harassment and Resulting in the Creation of a Toxic Workplace

- [25] Councillor Mulligan was elected to Council in October of 2022, and took office on November 15th of that year. He received orientation training that explained the role and responsibility of a member of Council. Additionally, Councillor Mulligan received training on the Code of Conduct, the Council-Staff Relations Policy and the Municipality's Workplace Violence and Harassment Policy.
- [26] From the outset of his term in office, Councillor Mulligan sent emails to the CAO and the Mayor, copying all members of Council, in which he openly criticized the work of the administrative staff and independently attempted to direct their work. We find that Councillor Mulligan notably targeted the work of the administrative staff. The following are examples:
- On January 5, 2023, Councillor Mulligan sent an email to the CAO and Mayor, with all members of Council copied, expressing his frustration with difficulties downloading eScribe² documents for a Council agenda. In his email, Councillor Mulligan criticized staff regarding the training provided for eScribe, describing the process as disorganized. He stated, "I feel like a person who can't swim, and when attending his first swimming lesson, is thrown in the deep end and told to have at it. Not acceptable. I think we should proceed with NO FURTHER BUSINESS until our training and orientation sessions are complete, otherwise we (are) doing this backwards."
 - On January 9, 2023, Councillor Mulligan emailed the CAO, copied to the Mayor and members of Council, requesting a matter be placed on the agenda and asking "Do I have a seconder?"

"I wish to have a motion put on the agenda of the 11 Jan 2023 Regular Meeting.

Whereas municipal roads are currently maintained to the MTO's Minimum Maintenance Standards For Municipal Highways,

² eScribe is the software the Municipality uses to create Council Meeting Agendas

I move that any Huron Shores municipal roads that are used by the school buses have a minimum of one (1) lane plowed before the school buses are on the road, without paying overtime, unless in the event of a significant weather event, as defined by the above mentioned standard.” [sic]

The CAO responded that it was with reluctance that the matter was placed on the agenda, noting that overtime is regulated under the *Employment Standards Act*. Councillor Mulligan then replied:

“I’m not disputing that OT is regulated, but surely it goes hand in hand with the terms of the employees contract. For instance, some contracts calculate overtime on a daily basis, while others on a weekly, accumulative basis and I’m sure there are more ways. My intent is not to change the overtime rules, just the employees schedule, shifts, contract or whatever is needed not to be incurring unnecessary overtime, further burdening our ratepayers.” [sic]

- On January 23, 2023, Councillor Mulligan circulated an email expressing concern regarding the process for setting up passwords for new Council members, stating that the situation was "unacceptable."
- On May 10, 2023, Councillor Mulligan sent an email of complaint to the CAO regarding a conversation Councillor Mulligan had with a member of staff after a council meeting that had exacerbated his blood pressure, anxiety, and stress, ultimately resulting in a hospital visit. He further advised that he would not be attending the meeting in person that evening but might join via Zoom.

[27] In January 2024, Councillor Mulligan made a remark to a staff member, stating that “the work coming out of the office is sloppy.” He subsequently referenced this interaction in an email to the CAO and Mayor, primarily focusing on the need for a standardized file-naming protocol, as he found the current system inconsistent. In the email, he outlined detailed suggestions on how this protocol should be implemented and concluded with, “Thanks for listening to my concerns, and I look forward to seeing things improve in the administration of our municipal office.”

[28] Councillor Mulligan sent a lengthy email marked “Confidential” to all members of Council. The email contained substantial details about a personnel matter, specifically related to the work performance of a municipal employee. As this information is protected under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), it will not be disclosed in this report. Councillor Mulligan characterized the matter as urgent and called for an “Emergency Meeting” to address the situation.

Breach of Confidentiality

[29] On September 11, 2024, Council convened in a closed session (the "Closed Meeting") to address a confidential employment matter. The Closed Meeting was duly convened in accordance with the applicable legislative requirements, and the subject matter discussed is protected from disclosure under the MFIPPA.

- [30] Following the Closed Meeting, employees of the Municipality were informed of the outcome and were explicitly directed not to discuss the matter. They were further instructed to refer all related inquiries to the Chief Administrative Officer (CAO).
- [31] On September 16, 2024, an email was sent to all members of Council by a member of the public (“the Ratepayer”). The email contained references to confidential municipal information that had been discussed during a Closed Meeting of Council held on September 11th. This information was not publicly available, raising concerns regarding the potential breach of confidentiality obligations.
- [32] On October 16, 2024, Councillor Mulligan sent an email labeled "Confidential" to all members of Council containing the following comments regarding the Ratepayer’s letter.
- “1. The letter is one person's opinion, and written to Mayor and Council only, so how is this harmful to staff?
2. What language is inappropriate? I saw none. How is the blunt criticism of staff inappropriate?
I too looked forward to discussing this at the Council table, but so far it has not appeared on the agenda.”*
- [33] At the November 13, 2024, Council meeting, the letter from the member of the public was included on the Closed Meeting agenda. The purpose of the discussion was to determine an appropriate response by the Mayor, given the letter's reference to specific personnel.
- [34] During this Closed Meeting, Councillor Mulligan informed Council that he was under investigation by the Integrity Commissioner. He further disclosed that he had been approached by the Ratepayer who inquired about the matter referenced in the letter, which had been discussed during a previous Closed Session but had not been released into open session by resolution.
- [35] Councillor Mulligan stated that the Ratepayer claimed to have contacted the municipal office and learned about the matter from Staff. The Ratepayer then sought confirmation from Councillor Mulligan regarding what they had allegedly heard.
- [36] Councillor Mulligan admitted that he informed the Ratepayer he could not discuss the matter but also acknowledged confirming that their understanding of the outcome was correct.
- [37] However, the Ratepayer subsequently provided written evidence to the Integrity Commissioner denying having had any conversations with any member of Council or Staff about the matter.
- [38] None of the individuals interviewed, including municipal Staff, recalled receiving a call from the Ratepayer regarding this matter.
- [39] According to the Respondent no witnesses were present to overhear the conversation where the alleged breach of confidentiality is said to have occurred.

V. ANALYSIS

Disrespecting Staff, Bordering on Harassment and Resulting in the Creation of a Toxic Workplace & Attempting to Conduct Illegal Closed Meetings

- [40] We considered if Councillor Mulligan’s conduct would amount to workplace harassment under the *Occupational Health and Safety Act* (OHSA), the *Ontario Human Rights Code* (*Human Rights Code*) and the Municipality of Huron Shores Workplace Violence and Harassment policy.
- [41] The test for workplace harassment under Ontario law is a two-part test, as outlined in the OHSA and the *Human Rights Code*. To determine whether harassment has occurred in the workplace, the following criteria must be met. The first part of the test is that there must be a course of conduct or a pattern of behavior, including comments, actions, or gestures, that is unwelcome to the recipient. The conduct can be verbal, physical, or visual in nature and may involve one or more incidents. This includes behaviors such as offensive jokes, slurs, bullying, intimidation, or discriminatory remarks. The second part of the test is that the comment or conduct must be known, or ought to be known, to be unwelcome by the person receiving it. This means that the individual engaging in the behavior should be aware, or should reasonably have known, that their actions or comments were not accepted or appreciated by the person they were directed towards. The test considers the perspective of the recipient, not the intent of the person making the comment or conducting the behavior.
- [42] Councillor Mulligan’s actions, as outlined in the facts, are inappropriate and fall outside the proper scope of his role as a member of Council. Councillor Mulligan’s remarks—such as characterizing staff work as "sloppy," questioning their competence in public forums, and openly criticizing their processes—may reasonably be interpreted as contributing to a toxic workplace environment. Such comments undermine employee morale and could be seen as vexatious and inappropriate under the test for harassment.
- [43] Municipal employees are entitled to a workplace free from hostility and undue interference by elected officials. Councillor Mulligan’s behavior, including the use of accusatory language and public criticisms, breaches the trust required for a respectful and professional workplace. These actions are particularly concerning given that he has previously been trained on the importance of maintaining a respectful workplace and adhering to governance protocols.
- [44] Councillor Mulligan’s actions reflect a persistent misunderstanding of governance principles, even after multiple training sessions. As a member of Council, his role is to set policy and provide strategic direction, not to oversee or direct staff in their day-to-day operations. The role of managing municipal employees and addressing performance issues lies exclusively with the CAO. Councillor Mulligan’s actions, including making derogatory comments to and about staff and proposing operational directives, overstep his role and undermine the governance structure.
- [45] Despite having received governance training, Councillor Mulligan continued to act in a manner that disregarded these boundaries. His quick reactions to perceived issues—such as his call for an “Emergency Meeting” regarding a confidential personnel matter and his unsolicited recommendations for operational changes—demonstrate an ongoing inability or unwillingness to apply what he has been taught. These actions disrupt proper administrative processes and erode trust between Council and staff.

[46] We find that Councillor Mulligan contravened sections 5.1, 8.2 and 7.1 of the Code of Conduct.

Illegal Closed Meetings

- [47] Councillor Mulligan's actions in emailing all members of Council in a manner that moves municipal business forward, without following the proper procedures for open meetings, are contrary to the Municipal Act, 2001, specifically Section 239, which governs the rules regarding open meetings.
- [48] Under Section 239 of the *Municipal Act*, meetings of municipal councils and local boards are required to be open to the public unless specific exceptions apply. These exceptions are narrowly defined and typically involve matters such as personal information about individuals, security concerns, or legal advice. Importantly, any action or decision that advances municipal business, including discussions or decisions via email among Council members, must be conducted in an open meeting unless explicitly exempted under the Act.
- [49] In this case, Councillor Mulligan's decision to email all of Council regarding matters that could affect the municipal agenda, or decision-making processes may have resulted in a de facto closed meeting. By exchanging communications that move business forward without public access or proper notice, he may have inadvertently or intentionally circumvented the open meeting requirements stipulated by the *Municipal Act*.
- [50] The Office of the Ombudsman has addressed similar situations in prior decisions, consistently holding that email communications among a quorum of Council members that discuss, or advance municipal business can constitute an illegal closed meeting. The Ombudsman has emphasized that emails or other forms of communication that effectively decide or influence matters before Council must be conducted in accordance with the open meeting rules, including providing public notice and allowing public access to the discussions and decisions.
- [51] By engaging in this type of communication, Councillor Mulligan violates the principles of transparency and public participation that are foundational to the democratic process. The Ombudsman has made clear that any attempt to circumvent these principles, whether intentional or not, undermines the public trust and contravenes the requirements of the *Municipal Act*.
- [52] Councillor Mulligan breached the Code of Conduct by attempting to conduct illegal meetings online instead of bringing the entire matter to the Council table as required for a transparent discussion of the matter. This constitutes a breach of the Procedural By-law and the *Municipal Act*, by forwarding the business of Council, some of it dealing with confidential matters, via email to other members of Council with the expectation of a response or buy in by his fellow Members. This is not open or transparent.

Breach of Confidentiality

- [53] The Code of Conduct requires all members of Council to uphold confidentiality regarding matters discussed in closed sessions unless explicit authorization is given to disclose such information. Disclosure of information that pertains to personnel or employment matters is further governed by MFIPPA, which strictly prohibits the release of personal information without the consent of the individual to whom the information pertains.

- [54] Councillor Mulligan’s unauthorized disclosure of this confidential employment matter not only violated the *Municipal Act’s* provisions regarding closed session confidentiality but also contravened MFIPPA’s privacy protection regulations. Such disclosures undermine public trust in the Council’s ability to manage sensitive matters appropriately and in accordance with the law.

Summary and Recommendations

- [55] We have serious concerns regarding the behavior of Councillor Mulligan, as his actions have repeatedly contravened the Code of Conduct and undermined the standards of professional conduct expected of Council members. His verbal disrespect towards municipal employees, public criticism of their work, and attempts to direct employee duties create an unhealthy and toxic work environment. Such behavior not only disrespects staff but also threatens the overall morale and functioning of the municipal administration, which is essential for effective governance.
- [56] Equally concerning are Councillor Mulligan’s actions regarding the attempted conduct of illegal meetings through email, which violates the *Municipal Act* provisions on open meetings. By attempting to advance municipal business in such a manner, he disregards the principles of transparency, accountability, and public participation that are foundational to the democratic process. His actions further compound the situation by disclosing confidential information from a closed session without authorization, violating both the *Municipal Act* and the MFIPPA, thereby compromising the integrity of the decision-making process and public trust in Council’s ability to maintain confidentiality.
- [57] The nature of Councillor Mulligan’s behavior is serious, as it goes beyond isolated incidents and reflects a pattern of actions that undermine the core values of transparency, respect, and legal compliance. We express a strong desire to see improvement in his conduct, with a focus on fostering a respectful, professional environment for municipal staff and adhering to the governance standards set out in law and the Code of Conduct. It is critical that Councillor Mulligan understand the gravity of his actions and take immediate steps to align his behavior with the expectations and responsibilities of his role. The integrity of Council, its members, and the public trust must be safeguarded, and we encourage Councillor Mulligan to commit to the necessary changes to restore confidence in his leadership.
- [58] With respect to the contravention of the Code of Conduct related to Councillor Mulligan’s treatment of Staff, we recommended that Councillor Mulligan receive a thirty (30) day suspension of his remuneration for his actions. Additionally, Councillor Mulligan should be provided with further training on workplace harassment, the ethical treatment of municipal staff, and the expectations of elected officials in fostering a supportive and respectful working environment. A commitment to respectful conduct must be reinforced to prevent any recurrence of such behavior and to ensure the maintenance of a healthy and productive workplace.
- [59] With respect to the finding that Councillor Mulligan contravened the Code of Conduct by attempting to conduct illegal meetings we recommend that Councillor Mulligan receive a formal reprimand for his actions.
- [60] With respect to the finding that Councillor Mulligan contravened the Code of Conduct by disclosing confidential information from a Closed Meeting we recommend a sixty (60) day suspension of remuneration. Further, Councillor Mulligan should undergo additional training on confidentiality protocols and privacy legislation to ensure full compliance with legal and ethical standards.