



Cunningham Swan

LAWYERS

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CONFIDENTIAL

August 7, 2026

SENT BY EMAIL TO: tgorgerat@khrtownship.ca

Mayor and Council
c/o Tammy Gorgerat, CAO/Clerk
1 John Street
P.O. Box 39
Killaloe, ON
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Dear: Mayor and Council

**RE: Code of Conduct Complaint – Report – Mayor David Mayville
Our File No. 33209-13**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

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The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

Timeline of Investigation

- July 23, 2026, complaint received;
- July 27, 2026, complaint package sent to Member;
- August 6, 2026, response from Member received.

Summary of Complaint

A complaint was received alleging that Mayor David Mayville (the "Member") breached the Township's Code of Conduct. The complaint alleges that the Mayor sent a series of emails to staff over various dates and on a few occasions spoke to staff in person outside a Council meeting, in contravention of Council's direction in Resolution Number 2 issued February 3, 2026. This Resolution was passed by Council on the recommendation of the Integrity Commissioner after an investigation into the conduct of the Member related to staff.

Resolution Number 2 stated:

1. for the remainder of the current Council term Mayor David Mayville shall be prohibited from communicating with staff except verbally at Council or Committee meetings;
2. For the remainder of the current Council term, any communication from Mayor David Mayville to staff shall be conducted exclusively through Council. In such cases the Member shall submit his communication to all of Council and Council shall determine whether the request is appropriate and, if so, provide direction to staff;
3. Council acknowledges that it cannot limit a valid exercise of strong mayor powers except as provided for in the *Municipal Act* and that Mayor David Mayville may issue Directives and Decisions in writing. However, given the history of mis-use of strong mayor powers, staff shall delay implementing any Directive or Decision until a legal opinion as to the validity of the Direction or Decision is obtained and Staff shall act in accordance with the legal advice.

This Resolution was amended by Resolution number 4 approved on February 17, 2026, which replaced the direction to submit any written request to all of Council and substituted Councillors Bil Smith and/or Maureen MacMillan as those to whom any written communication was to be submitted.

Code of Conduct

The Code of Conduct provides:

6.3 Every Member shall abide by the following principles:

...

c) Members shall comply with all applicable legislation, by-laws and Municipal policies, including this Code of Conduct;

Findings

The Code of Conduct obligates all member of Council to follow the direction of Council as set out in its policies and By-laws. Resolution number 2, as amended, is a by-law of Council by virtue of Confirmatory By-law 10-26, which adopted all decisions of Council made at the February 3, 2026 meeting of Council.

In his response to the complaint, the Member focused on the impact of his communications with staff that were described in the complaint. The Member wrote:

“None of these communications involved directing staff to perform operational work, attempting to improperly influence staff in the exercise of their duties, intimidating or coercing staff, or interfering with the administration of the Township. The communications remained within the normal exchange of information necessary to carry out the responsibilities of the Office of Mayor.

Section 13 of the Township's Code of Conduct prohibits Members from directing staff, improperly influencing staff in the performance of their duties, intimidating or coercing staff, or interfering with municipal administration. My communications did not involve any of those forms of conduct and therefore do not fall within the prohibitions established by the Code.”

The Member is correct. None of the communications breached the Code of Conduct with respect to the content of the communications. Had the Member submitted those same communications to the members of Council identified in the Resolution, as amended, the Integrity Commission expects that the messages would have been passed along to staff.

The substance of the emails and verbal communication with staff were not at issue in the complaint. The Member submitting his nomination papers was not at issue in the complaint. The content of the verbal communication with certain staff was not at issue in the complaint.

What was at issue is that the Member ignored Resolution number 2, as amended, and directly communicated with staff verbally and in writing. In one instance, when reminded by staff of Resolution number 2, the Member’s response was, “That is fine, but what is the

answer to my question.” The Member did not acknowledge his breach or apologize for his error – he continued to press for an answer.

The communications were not offensively worded or significant (the Member was seeking clarification on the correct dates for meeting, asking for office supplies or seeking other logistical clarifications in most instances). However, focusing on the message misses the point that Council directed the Member to communicate through members of Council “exclusively”, to avoid the harassment of staff the Integrity Commissioner found that the Member engaged in previously. Council did not direct the Member to only communicate with staff respectfully, they directed that all communications cease.

The Integrity Commissioner finds that the Member breached section 6.3(c) of the Code of Conduct by communicating directly with staff.

Recommendations

The Integrity Commissioner recognizes that the substance of the communication described in the complaint is not offensive and that mitigates the recommendation for a penalty. However, the Member must be reminded that it is not his decision as to when to follow Council direction and when to ignore it. Given the substance of the communication, the Integrity Commissioner is satisfied that recommending that Council issue a reprimand is appropriate in the circumstances.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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