



THE CORPORATION OF THE TOWNSHIP OF TAY COUNCIL POLICIES MANUAL

SUBJECT: Administration Council Code of Conduct	EFFECTIVE DATE: August 24, 2016
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1. Purpose and Principles

Encouraging and preserving the highest standards of conduct by Members promotes an environment of integrity appropriate for their role. Honesty and integrity are paramount in the fulfillment of the role of elected officials and, as such, this Code of Conduct sets expectations for Members and requires them to conduct themselves in a way that generates community trust and confidence, and also enhances the image of the Township of Tay.

Members are committed to the discharge of their duties as elected officials in a respectful and ethical manner. The Code of Conduct for Members is the instrument through which Council will establish and maintain standards for appropriate conduct. Members understand their responsibility to protect and maintain public trust through adherence to established standards.

The quality of municipal administration and governance is best achieved through the establishment of high standards of conduct. The parameters established in this Code of Conduct will ensure that the integrity of the Township of Tay is upheld.

Key principles which underline the intent of this Code of Conduct are:

- a) Members must serve and be seen to serve their constituents in a conscientious and diligent manner;
- b) Members must be committed to performing their duties with integrity, without improper use of the influence of their office and conflicts of interest, both perceived and real;
- c) Members are expected to perform their duties in office and manage their private affairs in a manner that promotes public confidence and will bear close public scrutiny;



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- d) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is made as transparent and accountable to members of the public as possible; and
- e) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by Council.

2. Scope

This Code of Conduct applies to every Member of Council of the Township of Tay.

3. Definitions

In this Code of Conduct:

“Benefit, Gift or Hospitality” means any cash or monetary equivalent, fee, object of value, service, travel and accommodation, or entertainment, and includes any personal benefit, defined as any form of advantage other than financial such as seeking an appointment, promotion or transfer with the Corporation on behalf of a family members and includes the private interests of Members, subject to the exceptions set out in this Code”;

“Child” means a child born within or outside marriage and includes an adopted child, step child, foster child and a person whom a Member has demonstrated a settled intention to treat as a child of his or her family;

“Confidential Information” means any information in the possession of, or received in confidence by, the municipality that the municipality is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or any other law. “Confidential information” also includes information of a corporate, commercial, scientific or technical nature received in confidence from third parties, personal information, information that is



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subject to solicitor-client privilege, information that concerns any confidential matters pertaining to personnel, labor relations, litigation, property acquisition or disposition, the security of the property of the municipality or local board and any other information lawfully determined by Council to be confidential, or required to remain or be kept confidential by legislation or order;

“Council” means the Council of the Township of Tay, inclusive of Mayor and Deputy Mayor;

“Information” includes a record or document, written or otherwise;

“Member” means a Member of Council, including the Mayor and Deputy Mayor and Members of Committees of Council, unless the context otherwise requires;

“Parent” means a person who has demonstrated a settled intention to treat a child as a part of his or her family whether or not that person is the natural parent of the child;

“Person” includes a corporation, partnership, association and any other entity, as the context allows; and

“Spouse” means a person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage.

4. General Conduct

Every Member has the duty and responsibility to conduct their dealings with each other, the public, and staff in an appropriately respectful manner that maintains public confidence in the office to which they have been elected, and shall avoid aggressive, offensive, abusive conduct, bullying or intimidation.

Every Member shall take measures to ensure that the municipal work environment is free from discrimination and harassment.



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Members shall not use indecent, offensive, abusive or insulting words or expressions toward any other Members, any members of staff, or any members of the public.

Members shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

Members will ensure that their business is conducted in an open and transparent manner and will refrain from communications and correspondence, regardless of format, outside of Council or Committee meetings that would advance the business of the municipality.

Every Member shall conduct himself or herself in an appropriate and civil manner at Council, Committee and other meetings, pursuant to the Procedural By-law, this Code of Conduct, and other applicable law.

Members are occasionally requested to make public presentations outside of Council meetings or attend public events as representatives of the Township of Tay. As such, every Member shall conduct himself or herself with dignity and decorum, in a manner befitting public expectation.

5. Conduct When Interacting With Staff

Every Member shall be respectful of the working relationships and reporting responsibilities between staff members. Municipal staff works under the direction of the Chief Administrative Officer and are required to carry out the decisions of Council in service of the municipal corporation as a whole. Municipal staff is also required to advise Council on legislative and administrative policy with political neutrality and objectivity, and without undue influence from any individual Members or any faction of the Council.

Accordingly, no Members shall maliciously or falsely injure or impugn the professional or ethical reputation of any members of staff. Every Member shall show respect for staff, and for their professional capacities and responsibilities.



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No individual Member has the authority to direct any employee, approve a budget, policy, and other such matters, unless specifically authorized by Council as a whole.

No Member shall use indecent, abusive or insulting words or expressions toward any other Members, any members of staff or any members of the public, either directly or by innuendo.

No Member shall compel any members of staff to engage in partisan political activities or subject any members of staff to threat or discrimination for refusing to engage in any such activity.

No Member shall use or attempt to further his or her authority or influence by intimidating, threatening, coercing, commanding or influencing improperly any staff members or interfering with the person's duties, including the duty to disclose improper activity.

Further, all Members should be aware of other Township policies and legislation that are also binding on Council, such as but not limited to the Occupational Health & Safety Act, Human Rights Code, Council Staff Relations Policy and Harassment & Violence Policy.

6. Conduct During Election Campaign

Every Member shall comply with all applicable Provincial legislative requirements as well as the provisions of the *Municipal Elections Act, 1996*.

No Member shall use confidential information, facilities, equipment, supplies, services or other resources of the municipality, including any Councillor newsletter or website linked through the municipality's website, for any election campaign or campaign-related activity.

No Member shall undertake campaign-related activities on Township property unless authorized by the municipality.



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No Members of Council shall use the services of any person for election-related purposes during hours in which that person receives any compensation from the municipality.

7. No Improper Use of Influence

No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.

No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage or that of the Member's parent, child, spouse, staff members, friend or associate, business or otherwise.

No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Members shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council, in return for any action or inaction.

For the purposes of this provision, "private advantage" does not include a matter:

- a) That is an interest in common with electors generally, as defined in the *Municipal Conflict of Interest Act*;
- b) That affects a Member of Council, his or her parents, children or spouse, staff members, friends or associates, business or otherwise, as one of a broad class of persons; or
- c) That concerns the remuneration or benefits of a Member of Council.

This provision does not prevent a Member of Council from requesting that Council grant a lawful exemption from a policy.

8. Confidential Information

No Member shall disclose, release or publish by any means, including social media, to any person or to the public, any confidential



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information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so.

Any matter, and information pertaining to that matter, which has been discussed or debated at a meeting which has been closed to the public, shall remain confidential, unless and until such time as Council, a judicial order, or other legislation authorizes its release.

A Member may only disclose the content of any matter that has been discussed or debated at a meeting that was closed to the public, after Council has discussed or otherwise released the information to the public.

No Member shall use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body. 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 matters;
- b) Information which infringes on the rights of any person, such as publication of the identity of a complainant when such information was given in confidence;
- c) Information such as price schedules on a contract, tender or other proposal while the document remains confidential;
- 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 to remain confidential.

No Member shall obtain access, or attempt to gain access, to confidential information in the custody of the municipality except to the extent that such access is necessary for the performance of his or her duties and such access is not prohibited by Council or otherwise by law.



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9. Use of Township Property, Services and Resources

No Member shall use, or permit the use of, municipal land, facilities, equipment, supplies, services, or other resource(s), including any municipally-owned information, website, or funds allocated for Members' expenses, for any purpose or activity other than the lawful business of the municipal corporation, unless expressly permitted by the Department Head responsible for the facilities or equipment.

No Member shall seek or acquire any personal benefit or financial gain from the use or sale of confidential information, or of any municipally-owned intellectual property including any invention, creative writing or drawing, computer program, technical innovation, or any other information or item capable of being patented or copyrighted, or which property remains exclusively that of the municipality.

10. Gifts, Benefits, and Hospitality

For the purposes of this Code, a gift, benefit or extension of hospitality with the Member's knowledge, to a Member's spouse, child or parent, or to his or her staff, that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a gift or extension of hospitality to that Member.

No Member shall accept a fee, advance, gift, benefit or offer of hospitality that is connected directly or indirectly with the performance of his or her duties of office, unless permitted under one or more of the exceptions listed below.

For greater clarity, the municipality's provision of a benefit, provided as part of council's remuneration, such as an Employee Assistance Plan (EAP), group life insurance, group accident or sickness insurance and/or medical, health-related and dental insurance for medical, dental or health-related benefits for Members, his or her spouse or children that are in accordance with the *Municipal Act, 2001* shall not be deemed a prohibited benefit for the purposes of the Code of Conduct.



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Each of the following is recognized as an exception:

- a) Compensation authorized by law, policy or by-law;
- b) A gift, benefit or hospitality of the kind that normally accompanies the responsibilities of office and is received as an incident of protocol or social obligation;
- c) A political contribution otherwise authorized and reported as required by law, in the case of a Member running for office;
- d) Services provided without compensation by a person volunteering his or her time;
- e) A suitable memento of a function honouring the Member;
- f) Food, lodging, transportation or entertainment lawfully provided by any Provincial, Regional or local government or board or political subdivisions of any of them, by the Federal government, a foreign government, or by those organizing a conference, seminar or event where the Member is speaking or attending in an official capacity;
- g) Food and beverages consumed at a banquet, conference, seminar, training, reception or similar event if,
 - i. Attendance by the Member is for a legitimate municipal purpose,
 - ii. The person extending the invitation, or a representative of the organization holding the event, is in attendance, and
 - iii. The value is reasonable;
- h) Communications to the office of Members, including subscriptions to newspapers and periodicals.

11. Communications and Media Relations

Official information relating to decisions and resolutions of Council shall normally be communicated to the media and the community through the Chief Administrative Officer, Mayor or their designates.

In some instances, Members are requested to comment on policy, procedure and decisions of Council. In those instances, Members shall



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convey the information openly and accurately, unless confidentiality regulations apply.

When making statements to the media or the public, Members shall remain focused on issues, avoiding statements which provoke or challenge another Member, or which might damage the reputation of another Member.

Members shall not make accusatory statements or lay blame. In the event that a Council decision has not unfolded the way Council intended, the information shall be communicated to the public in a forthright manner which identifies the problem and the corrective action.

Members shall accurately and adequately communicate the attitudes and decisions of the Township of Tay Council, even if they don't agree with a decision reached on a particular matter, showing respect for the democratic process and showing a sense of teamwork within the Membership.

Members shall be prohibited from making posts, commenting, or replying to posts or comments, on any social media channels or properties maintained by the Township of Tay. Notwithstanding, Members shall be permitted to share, and comment on (within accordance of all provisions of the code of conduct), on their own social media pages, and elsewhere, items posted by the Township of Tay.

Nothing in this section is intended to prevent Members from outlining his or her rationale for voting in a particular manner, which may have been contrary to the final Council decision.

12. Statutes Regulating the Conduct of Councillors

In addition to this Code of Conduct, the following legislation also governs the conduct of Members:

The Municipal Act, 2001;
The Municipal Conflict of Interest Act;



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The *Municipal Elections Act, 1996*;
The *Municipal Freedom of Information and Protection of Privacy Act*;
The *Ontario Human Rights Code*;
The *Occupational Health and Safety Act*; and
The *Criminal Code of Canada*.

A Member may become disqualified and lose his or her seat by operation of law, including being convicted of an offence under the *Criminal Code* of Canada or being found to have failed to comply with the *Municipal Conflict of Interest Act*, whether or not the conduct in question involves contravention of this Code of Conduct.

In the case of any inconsistency between this Code and a Federal or Provincial statute or regulation, the statute or regulation shall prevail.

13. Code of Conduct Breaches

Where Council receives a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of the Code of Conduct, Council may, per the Municipal Act, impose upon the offending Members of Council either of the following:

1. A reprimand;
2. Suspension of the remuneration paid to the Member in respect of his or her services as a Member for a period of up to 90 days; or
3. Any of the following remedial measures, including, but not necessarily limited to:
 - a. Removal from Membership of a Committee;
 - b. Removal as Chair of a Committee;
 - c. Require repayment or reimbursement of moneys received;
 - d. Return of property or reimbursement of its value;
 - e. A request for an apology;
 - f. Revocation of travel or another budget;



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- g. Request for resignation; and
- h. Trespass order restricting access except for Council Meetings.

14. Complaints to the Integrity Commissioner

Any person, including members of the public, Township employees and Members, who has reasonable grounds to believe that a Member has breached a provision of the Code or other ethical rule or policy of the Township may proceed with a complaint. Complaints cannot be made by groups, organizations or corporations.

The alleged violation shall have taken place within six months of filing the complaint with the Integrity Commissioner.

A complainant may wish to pursue the informal complaint process as established by this Code, but is not required to before proceeding with the formal complaint process set out in this Code.

The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under the *Municipal Act, 2001*. The duty to preserve secrecy prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

No Member shall obstruct the Integrity Commissioner in the carrying out of his or her duties.

15. Duties of the Integrity Commissioner

The Integrity Commissioner reports to Council and is responsible for performing in an independent manner the functions assigned by the Township with respect to any or all of the following:

1. The application of the Code of Conduct for Members;



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2. The application of any procedures, rules and policies of the Township governing the ethical behaviour of Members;
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members;
4. Requests from Members for advice respecting their obligations under the Code of Conduct;
5. Requests from Members for advice respecting their obligations under a procedure, rule or policy of the municipality governing the ethical behaviour of Members;
6. Requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*;
7. The provision of educational information to Members, the Township and the public about the Codes of Conduct and about the *Municipal Conflict of Interest Act*; and
8. The provision of an annual report to Council on the activities of the Integrity Commissioner.

The Integrity Commissioner shall provide his or her advice in writing to the Members. Any written advice given by the Integrity Commissioner to a Member, as it relates to the Code, binds the Integrity Commissioner in any subsequent consideration of the Member's conduct in the same matter, provided the relevant facts known to the Member were disclosed to the Integrity Commissioner.

The Integrity Commissioner's annual report to Council shall include information on the nature and volume of activity for the past year and provide anonymized examples with respect to the advice provided and the nature of complaints received and responded to. The annual report of the Integrity Commissioner shall be provided to Council for information. The report is a public document.



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16. Procedure – Informal Complaint (Optional)

Any person who has become aware of or witnessed behavior or activity by a Member that appears to be in contravention of the Code is encouraged to advise the Member in private of the concern and ask the Member to stop the objectionable behavior or activity.

If the Complainant is not satisfied with the response received from the Member, an individual may proceed with a formal complaint to the Integrity Commissioner, as outlined in the Formal Complaint Procedure.

17. Procedure – Formal Complaint

Any individual who has identified or witnessed behavior or activity by a Member that appears to be in contravention of the Code may, within six months of the alleged breach, file a formal complaint, as follows:

- a) The complaint shall be made in writing, on the form attached as Schedule "A" to this Code, and shall be sent directly to the Integrity Commissioner by registered mail, e-mail, or courier;
- b) The complaint must include the name of the Member or Members alleged to have breached the Code, the section or sections of the Code allegedly contravened, the date, time and location of the alleged contravention, and any other relevant information;
- c) The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included;
- d) Any witnesses in support of the allegation should be identified;
- e) The complaint must be sworn and dated by an identifiable individual.

Upon receipt of the complaint, the Integrity Commissioner shall confirm that the information is complete and determine whether the matter is,



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on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies. The Integrity Commissioner may request additional information from the complainant.

18. Complaint – Municipal Conflict of Interest Act

An application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (the "MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:

- a) An application shall be made in writing on the form attached as Appendix 'B' to this Code, and shall be sent directly to the Integrity Commissioner by registered mail, e-mail, or courier;
- b) An application must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);

An application shall include:

1. An explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the Act;
2. Any evidence in support of the allegation;
3. Any witnesses in support of the allegation must be identified;
4. A statutory declaration attesting to the fact that the applicant became aware of the alleged contravention not more than six weeks before the date of application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended;



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5. An application may only be made six weeks after the applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act*, as amended.

19. Refusal to Conduct Investigation

If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described above, except as part of an annual or other periodic report.

20. Response to Complaint Outside of the Jurisdiction of the Integrity Commissioner

If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, or other corporate policy applying to the Members or compliance with the MCIA, the Integrity Commissioner shall advise the complainant in writing, as follows:

1. Criminal Matter – if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service.
2. *Municipal Freedom of Information and Protection of Privacy Act* – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the Clerk to have the matter



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reviewed under that Act.

3. *Municipal Elections Act* – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

If the matter is covered by other Township policies or legislation, the complainant will be advised and directed to proceed in a manner that is considered appropriate by the Integrity Commissioner.

21. Election Blackout Period

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period between nomination day and six weeks after voting day, except as provided in s. 223.4 and 223.4.1 of the *Municipal Act, 2001*.

22. No Reprisal or Obstruction in the Enforcement of this Code

Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and enforcement.

Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.



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23. Commitment and Acknowledgement

Two copies of the Code of Conduct are to be acknowledged; one copy to be retained by the Clerk, and one copy to be provided to the Member.

I, _____, agree to abide by the requirements of this Code of Conduct in the discharge of my duties as an elected official.

I acknowledge that I have read and accept the expectations and responsibilities outlined in this Code of Conduct. I will act with honesty and integrity and conduct myself in a manner which generates public trust and confidence and enhances the image of the Township of Tay.

Signature of Member of Council

Date of Signature



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Appendix 'A' – Complaint

[TO BE INSERTED]



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Appendix 'B' – MCIA Complaint

[TO BE INSERTED]