

Andrea Holland
Clerk, City of Hamilton

March 7, 2023

Re: Per Diem for Members of Council Appointed to Other Bodies

You have asked whether members of Council appointed to sit as members of other bodies may collect a per diem for such membership. It has been suggested that receiving a per diem for such activity may constitute a contravention of the Council Code of Conduct which provides as follows:

SECTION 4: GIFTS AND BENEFITS

4. (1) No Member shall accept a fee, advance, gift or benefit, that is connected, directly or indirectly, with the performance of the Members duties or responsibilities of or in office, except as permitted by one or more of the exceptions listed in subsection 4(3).

In our view, receiving a per diem for membership and attendance on another body, such as a conservation authority, an energy board or a police service board, where one is provided, does not contravene the gifts policy contained in the Code of Conduct.

There is also nothing in the *Municipal Act* which would preclude a member of Council from receiving such per diem. In fact, across the province of Ontario, there are quite a number of boards which compensate appointees, including members of Council, for attendance at meetings, and that practice is quite acceptable under the legislation. The amount involved ought to be included and reflected in the Council Remuneration Report.

We trust this provides the clarification you require on this issue.

Principles *Integrity*,
Integrity Commissioner for the City of Hamilton