

**Authority:** Item 14, General Issues Committee  
Report 12-007 (AUD11028)  
CM: March 28, 2012

**Bill No. 073**

## **CITY OF HAMILTON**

### **BY-LAW NO. 12-073**

#### **To appoint the Director of Audit Services as an Auditor General under Section 223.19 of the *Municipal Act, 2001***

**WHEREAS** Council wishes to appoint the Director of Audit Services as an Auditor General under section 223.19 of the Municipal Act, with the responsibilities, including the powers, duties and protections, under Sections 223.19 to 223.23 of the Municipal Act;

**AND WHEREAS** sections 223.19 to 223.23 of the Municipal Act provide that an appointee under section 223.19 has certain powers, duties and protections, including: the powers to access information and to examine persons under section 33 of the *Public Inquiries Act, 2009*; the duty to preserve secrecy with respect to all matters that come to their knowledge in the course of performing their functions; and the protection of not being a competent or compellable witness in a civil proceeding;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

#### **Definitions**

1. In this By-law:

“**Council**” means the City of Hamilton’s Council;

“**Director of Audit Services**” means the City of Hamilton’s Director of Audit Services or their successor;

“**Municipal Act**” means the *Municipal Act, 2001*;


#### **Appointment**

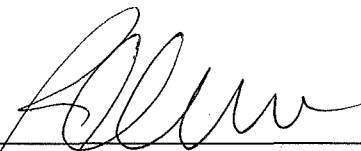
2. Council appoints the individual holding the position of Director of Audit Services as an Auditor General under section 223.19 of the Municipal Act, with the responsibilities, including the powers, duties and protections, under sections 223.19 to 223.23 of the Municipal Act.
3. The position of Director of Audit Services shall continue with the title of Director of Audit Services and all references to an Auditor General under sections 223.19 to 223.23 of the Municipal Act shall be deemed to be references to the Director of Audit Services.
4. The Director of Audit Services shall act in accordance with the Audit Services Charter, as approved by Council from time to time, with necessary modifications when a responsibility, including a power, duty or protection, under sections 223.19 to 223.23 of the Municipal Act is exercised.

### **General Provisions**

5. This By-law may be referred to as the Director of Audit Services By-law.
6. This By-law comes into force on the day it is passed.

**PASSED** this 28<sup>th</sup> day of March, 2012.

  
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R. Bratina  
Mayor

  
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R. Caterini  
City Clerk