

Authority: Item 13(a), General Issues Committee
Report 13-008 (LS13001(a))
CM: April 10, 2013

Bill No. 099

CITY OF HAMILTON

BY-LAW NO. 13-099

**To Amend By-law No. 08-154, a By-law to Establish the Office of Integrity
Commissioner.**

WHEREAS Council enacted a by-law to establish the Office of Integrity Commissioner, being City of Hamilton By-law No. 08-154;

AND WHEREAS this By-law provides for the amendment of By-law No. 08-154, as amended;

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

1. Subsections 13.(1) and 13.(2) of By-law No. 08-154 are deleted and replaced with the following new subsections 13.(1) and 13.(2):

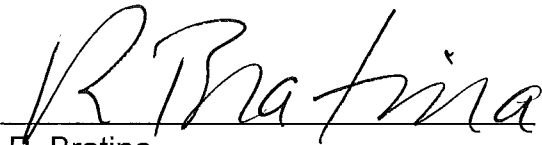
13.(1) Except as provided for in this section or section 32, the Integrity Commissioner shall not proceed with an inquiry in regard to a Complaint which is filed with the City Clerk more than 180 days after the date when the event or the last event of a series of events which are the subject matter of the Complaint occurred.

(2) The Integrity Commissioner may proceed with an inquiry in regard to a Complaint which is filed after the expiry of the time limit under subsection (1) if the Integrity Commissioner is satisfied that:

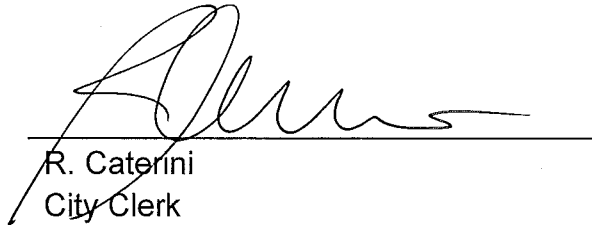
- (a) the delay was incurred in good faith;
- (b) it is in the public interest to proceed with an inquiry; and
- (c) no substantial prejudice will result to any person because of the delay.

2. Section 24 of By-law No. 08-154 is amended by adding the following new subsection 24(a.1):
 - (a.1) if the Complaint was filed after the expiry of the time limit under subsection 13(1), the Integrity Commissioner's findings regarding subsection 13(2), which findings shall be made in accordance with the civil standard on the balance of probabilities;
3. Section 32(2) of By-law No. 08-154 is amended by adding the following:
 - (2) the 90 days under subsection (1) shall not be included in the calculation of the 180 days under subsection 13(1).
4. This By-law comes into force on the day it is passed.

PASSED this 10th day of April, 2013.



R. Bratina
Mayor



R. Caterini
City Clerk