

This By-law is a consolidated version and includes amendments made by the amending by-laws listed on the following page. This consolidation is prepared for purposes of convenience only and is not the official or legal version of the By-law. For accurate reference to the By-law, certified copies should be obtained through the City Clerk's Office.

Consolidation Update: August 10, 2023

CITY OF HAMILTON

By-law No. 19-180

To appoint the Auditor General as an Auditor General under Section 223.19 of the Municipal Act, 2001

OFFICE CONSOLIDATION

**CITY OF HAMILTON
CONSOLIDATED BY-LAW NO. 19-180**

Incorporating amendments made by:

By-law No: Effective Date:

23-052

Revising name of City Auditor and Office of the City Auditor to Auditor General and Office of the Auditor General, delete section 3 and renumber remaining sections accordingly.

Revised: August 10, 2023

Authority: Item 6, Audit, Finance and
Administration Committee
Report 19-010 (AUD19011)
CM: July 12, 2019

Bill No. 180

CITY OF HAMILTON

BY-LAW NO. 19-180

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

WHEREAS Council wishes to appoint the Auditor General 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;

“**Auditor General**” means the City of Hamilton’s Auditor General or their successor;

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

Appointment

2. Council appoints the individual holding the position of Auditor General 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 Auditor General shall act in accordance with the Office of the Auditor General 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

4. This By-law may be referred to as the Auditor General By-law.
5. This By-law comes into force on the day it is passed.

PASSED this 29th day of March, 2023.

A. Horvath
Mayor

A. Holland
City Clerk