

**BY-LAW NO. 144/98**

**BEING BYLAW OF THE MUNICIPAL DISTRICT OF MACKENZIE NO. 23  
IN THE PROVINCE OF ALBERTA**

**TO ESTABLISH PROCEDURES IN REGARD TO THE RETENTION AND  
DISPOSAL OF MUNICIPAL DOCUMENTS**

**WHEREAS**, the Municipal Government Act, S.A. 1994, c. M-26.1, as amended, provides that Council may pass a bylaw respecting the retention and destruction of Records and documents of the Municipality;

**AND WHEREAS** it is the desire of the Council of the Municipal District of Mackenzie No. 23 to provide for regulations with respect to the retention and disposal of Municipal Records and documents including correspondence, Records, receipts, vouchers, instruments and other papers kept by the Municipality.

**AND WHEREAS** it is the desire of the Municipality to establish the necessary authority to release Municipal documents to the Alberta Archives on either a permanent loan or retention basis;

**AND WHEREAS** the authority for such regulations and authorities must be consistent with Federal or Provincial Statutes and regulations:

**NOW THEREFORE** the Council of the Municipal District of Mackenzie No. 23 duly assembled, enacts as follows:

**PART I** **TITLE, DEFINITIONS, AND SYMBOLS**

**Section 1**

This Bylaw may be cited as "The Records Retention Bylaw" of the Municipal District of Mackenzie No. 23.

**Section 2**

In this Bylaw, unless the context otherwise requires, the word, term or expression:

- a) "Auditor" shall mean the Auditor(s) of the Municipality as established by resolution of Council;
- b) "Committee" shall mean the Records retention Committee which shall be comprised of the Chief Administrative Officer, Municipal Secretary, and Treasurer.
- c) "Council" shall mean the Council of the Municipal District of Mackenzie No. 23.
- d) "Disposition" shall mean the disposal of Records via destruction or transfer of Records of enduring value to Archives.
- e) "Municipality" shall mean the Municipal District of Mackenzie No. 23.
- f) "Official" shall mean the Chief Administrative Officer (as defined in the Municipal Government Act) or designate duly appointed by Council or the Chief Administrative Officer of the Municipal District of Mackenzie No. 23;
- g) "Records" shall mean (a) the expression of information in a form which is documented regardless of physical mode or medium, (b) which is organized in a logical grouping of basic elements governed by rules of arrangement, and (c) which constitutes evidence of the business of the Municipality.

- h) "Retention Period" shall mean the total length of time a Record must be kept before final Disposition is implemented.
- i) "Solicitor" shall mean the Municipal Solicitor as appointed or engaged from time to time by Council;

### **Section 3**

Where, in this Bylaw and Schedules "A" attached hereto, it is provided that particular Records of the Municipality, or of a local Board accountable to the Municipality thereof, shall be:

- D Destroy
- C Current (present day) Document
- M.D. Microfilm and Destroy
- M.R. Microfilm and Retain
- P Permanent Retention
- P\* Permanently held in Provincial Archives

## **PART II RECORD RETENTION AND DESTRUCTION**

### **Section 4 Retention and Destruction**

Where, in this Bylaw and Schedule "A" attached hereto, it is provided those particular Records, or of a local Board accountable to the Corporation thereof, shall be:

- (a) Destroyed  
Such Records shall be destroyed without any copy thereof being retained;
- (b) Permanent  
Such original record shall be preserved and never destroyed;
- (c) Microfilmed and Destroyed  
Such Records shall be recorded on microfilm in their entirety, the microfilm shall be in duplicate and one copy therefore shall be stored apart from the other in a place of safe suitable storage, and then such Records shall be destroyed;
- (d) Microfilmed and Retained  
Such Records shall be recorded on microfilm in their entirety, the microfilm shall be done in one copy only, and the original documents shall be stored in accordance with the direction of the Committee;
- (e) Permanently held in Archives  
If approved by Council, or a duly authorized Committee, these Records shall be released to either the Provincial Archives or other local archives. A copy of the Records transferred shall be permanently retained on file if deemed necessary by Council of the Committee. Prior to Council approval, the Official shall review the documents to ensure that the release of the documents does not contravene the *Municipal Government Act* or any other legal obligation binding on the Municipality.
- (f) Schedule of Retention and Disposal  
May be amended by the Council upon recommendation of the Official.

## **Section 5**     **Discretion**

The Official shall always have a discretion to retain Records longer than the period provided for in this Bylaw and shall do so where the Official deems it appropriate and shall do so where the Official has received any indication that there is or may be any litigation involved with any of the said Records. Such decisions to retain the Records longer than the period provided for herein shall be recorded in the Records retention index.

## **Section 6**     **Records of Retention and Destruction**

Upon the Committee being satisfied that the relevant Retention Period established by this Bylaw has expired and that no reason exists for further retention of specific Records, the Official may then authorize the Records to be disposed of.

- (a) When Records have been destroyed under this Bylaw, the Official shall so certify in writing.

Such certificate shall refer to the relevant schedule and item of this Bylaw and shall identify the Records destroyed.

- (b) The Official shall keep an index of:  
(i) Records destroyed;  
(ii) Records referred to Archives; and  
(iii) Municipal Records held at other archival centres.
- (c) When Records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the Official.
- (d) When Records are recorded on microfilm, the Official shall ensure that such microfilms are prepared in accordance with all applicable standards, and identified and indexed.
- (e) All Records destroyed shall be authorized by the Official and the destruction shall be carried out in the presence of at least one witness. The person destroying the Records shall provide a statement in writing attesting to the time and place of the destruction of the Records, together with a detailed list of Records destroyed and also the name of the persons who witnessed the destruction. This statement of Deposition shall be presented to the Council and permanently filed in the office Records.
- (f) Election material that has been locked in the ballot boxes shall be destroyed in accordance with the provisions of the Local Authorities Election Act.

## **PART III**                     **GENERAL**

### **Section 7**                     **Personal Information**

Notwithstanding the foregoing sections or Schedule "A", in accordance with the Municipal Government Act, Section 214 (3), if an individual's personal information will be used by the Municipality to make a decision that directly affects the individual, the Municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

**Section 8**                      **Committee**

The Committee shall meet as frequently as it deems necessary and shall be chaired by the Official. The Committee shall work on the basis of consensus; however, where there is disagreement the decision of the Official shall be followed. It shall be the duty of the Committee to keep the Council periodically informed as to its activities.

**Section 9**                      **Records Retention Schedules**

The Retention Periods for Records, as set forth in the attached Schedule "A" pages one (1) to five(5) inclusive, are hereby adopted and established as the Retention Period for each such Record.

**Section 10**                    **Storage**

It shall be the responsibility of the Committee to provide for policies regarding security and storage of all Municipal documents. The Official for all Municipal documents shall administer such policies.

**PART IV**                      **ENACTMENT**

This Bylaw shall come into force and have effect upon it being third and final reading thereof.

First Reading given on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Betty Bateman, Chairperson

\_\_\_\_\_  
Eva Schmidt, Municipal Secretary

Second Reading given on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Betty Bateman, Chairperson

\_\_\_\_\_  
Eva Schmidt, Municipal Secretary

Third Reading and Assent given on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Betty Bateman, Chairperson

\_\_\_\_\_  
Eva Schmidt, Municipal Secretary

Approved

Refused

\_\_\_\_\_  
Bryan Clark, Official Administrator  
Municipal Affairs

\_\_\_\_\_  
Bryan Clark, Official Administrator  
Municipal Affairs

**BYLAW NO. 144/98  
RETENTION AND DESTRUCTION OF RECORDS**

**SCHEDULE "A"**

<u>SUBJECT</u>	<u>DESCRIPTION</u>	<u>RETENTION PERIOD IN YEARS</u>
Accounting	Monthly reconciliation & receipts	2
Accounting	Year end general ledgers	P
Accounts Payable	General administration of accounting	7
Accounts Revenue	The control and operation of receivable Accounts	7
Acquisition	Orders for goods which do not require Requisitions	1
Acts and Legislation	Controlling the municipality	P
Acts and Legislation	Other jurisdictions' acts and regulations	C
Administration	General Correspondence	1
Administration	General subjects relating to administrative function and activities from the time the decision was made	1
	Organizational Chart	C
Agreements/Contracts	Agreements and contracts	7 – after expiry date
Agriculture	Policy & Acts	P
Agriculture	General administration of agricultural Programs	7
Agriculture	Policy & Acts	P
Associations and Societies	Participation in the functions of mutual Professional interest	3
Audits	Financial auditing methods and reports	P
Banking	Administration and establishment of bank accounts	P
Bridge files	Correspondence	P
Budgets – General	Budgeting Information	P
Capital Projects	Project lists, reports and statistics	P
Cemeteries	General administration documents	1

<b><u>SUBJECT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>PERIOD IN YEARS</u></b>
Cheque administration	Administration of issuance, replacement and distribution of cheques	7 from date of completion of contract
Committees	Reports on the establishment & organization of	7
Committees	Interaction with other bodies structured for Specific tasks	7
Communities	Correspondence relating to administration, funding, planning, etc.	7
Contracts	Financial agreements and contracts	11 years after expiry date
Construction & Renovations	Progress reports & project studies on the construction and/or renovation of structures	P
Consulting Services	Contracting of consulting firms (after completion of project)	3
Disposal & Surplus	Disposal or write-off of obsolete or surplus assets	2
Disaster Services	General correspondence	1
Disaster Services	Investigation Reports	P
Emergency Services	General correspondence	1
Emergency Services	Investigation Reports	P
Equipment Operation	Operating standards, manuals, warranties, etc.	P or until item is disposed of
Finance – General	Financial administration functions	7
Funds (Debentures)	Administration of trust funds & revolving Funds	P
Grants	Administration of financial assistance Programs	P
Hospitals	Correspondence relating to all aspects of health and welfare	1
Incorporation Studies	Reports & future studies	P
Information – General	Material relating to information services	2
Inventories	Recording, storage & distribution of Equipment	7
Lands Drainage Control	Drainage proposals	P

<b><u>SUBJECT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>RETENTION PERIOD IN YEARS</u></b>
Lands – Flood	Flood control and drainage projects	P
Lands – General	Correspondence & proposals of a general nature	1
Lands, Subdivisions/ Development	Applications, decisions, zoning, permits, etc. (Land Files)	P
Landfiles		P
Landfills	All related correspondence	P
Legal Activities	Legal Activities excluding transfers & titles (Land File)	P
Legislative & Cabinet Activities	Actions of Provincial Legislation	3
M.D. Electoral Divisions & Boundaries	Not including School and hospital boundary changes	P
Materials/Equipment/ Vehicles	Related non-financial documentation	1 year after sale/disposal
Meetings, Symposiums, Conferences	Correspondence on the establishment & participation in meetings, etc.	1
Minutes	Council and Council appointed Committees	P
Office Services	General office services administration	1
Office Equipment Or Machinery	General	7
Personnel – General	Confidential files	7 – after termination
Personnel	General administration of personnel management	7 – after termination
Personnel – Payroll	Payroll information	7 – after termination
Plans/studies	General plans and studies	P
Policy and Procedures	Policy Documents	7
Public Relations General	Communications with the general public	1
Public Relations	Press Releases, Declarations	1
Public Relations Publicity	Advertising posters, displays, etc.	1

<b><u>SUBJECT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>RETENTION PERIOD IN YEARS</u></b>
Records Management – General	Correspondence relating to Records Management Program	2
Recreation	Correspondence relating to administration & operation	7
Reports & Statistic Financial	Reports to maintain an ongoing record Within the financial system	7
Resources Management	Information relating to the management of Lands & resources	P
Risk Management & Insurance	Administration of insurance programs	7
Safety	Correspondence relating to the establishment and operation of a safety program	7
Schools	General correspondence	1
Statistics General Reports	Administrative reports & statistics	P
Taxes/Assessment	Records pertaining to taxation matters	P
Telecommunications	Administration, installation & maintenance Of telecommunications equipment	3
Tenders	Successful	7
Tenders	Unsuccessful	1
Training & Development	Training & development plans	2
Transportation Programs	Administration of construction & maintenance	3
Transportation Programs	Road construction & road use agreements	P
Utilities	Project studies requirement reports, etc.	P
Utilities, Water & Sewer	Correspondence relating to installation, operation and maintenance of water & sewer systems	P
Waste Transfer Stations	Contracts, agreements	P
Waste Transfer Stations	General administration documents	3