

**BY-LAW NO. 190/99**

**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 duly elected 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 or Committee accountable to the Municipality thereof, shall be:

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- S/O Superseded or Obsolete

## **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 or Committee accountable to the Corporation thereof, shall be:

- (a) Permanent  
Such original record shall be preserved and never destroyed;
- (b) 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;
- (c) 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;
- (d) 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.
- (e) 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 or has received any indication that there is or may be any litigation involved regarding any of the said Records. 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 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", 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**                    **RESCIND**

This Bylaw hereby rescinds all other Bylaws regarding the retention and disposal of municipal documents.

**PART V**                    **ENACTMENT**

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

First Reading given on the \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Bryan Clark, Official Administrator

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

Second Reading given on the \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Bryan Clark, Official Administrator

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

Third Reading and Assent given on the \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Bryan Clark, Official Administrator

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

**BYLAW NO. 190/99  
RETENTION AND DESTRUCTION OF RECORDS**

**SCHEDULE "A"**

**ADMINISTRATION**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Administration	General Correspondence (letters, memos) Reports	1 5
Advertising	General As per legislation	2 7
Annual Reports	Administration and Council, Committees & Boards	7
Appointments	Other than those in Minutes or Bylaws	2 S/O
Bylaws	All	P
Census	Reports	10
Communities	Correspondence relating to administration, funding, planning, etc.	7
Consulting Services S/O	Contracting of consulting firms	3
Destroyed Records Index		P
Elections	Nomination Papers Ballot Box Contents	Section 28(4) Local Authorities Election Act Section 101 Local Authorities Election Act
Equipment Operation	Operating standards, manuals, warranties, etc.	1 S/O
Improvement District Orders	All	P
Incorporation Studies	Reports & future studies	P
Information Services	Material relating to information services	2

Inquiries	From the public	2
Inventories	Recording, storage & distribution of equipment	7
Maps	Original	P
M.D. Electoral Divisions & Boundaries	Not including School and hospital boundary changes	P
Meetings, Symposiums, Conferences	Correspondence on the establishment & participation in meetings, etc.	1
Ministerial Orders	Ministerial Orders	P
Office Equipment	General	7
Office Services	General office services administration	1
Organizational Chart	Structure and Records	2 S/O
Petitions		7
Plans/studies	General plans and studies	P
Policy and Procedures S/O	Policy Documents	7
Public Relations	Communications with the general public	1
	Press Releases, Declarations	1
	Publicity - Advertising posters, displays, etc.	1
Records Management – General	Correspondence relating to Records Management Program	2
Recreation/Parks/ Facilities	Correspondence relating to administration & operation	7
Reports & Statistic Financial	Reports to maintain an ongoing record Within the financial system	7
Risk Management & Insurance	Administration of insurance programs	7

Safety	Correspondence relating to the establishment and operation of a safety program	7
Statistics	Administrative reports & statistics	P
Telecommunications	Administration, installation & maintenance	3
	Computer Information	2
	Mobile Information	2
Tenders	Successful	7
Tenders	Unsuccessful	1
Training & Development	Training and development plans	2

### AGRICULTURE

<u>Subject</u>	<u>Description</u>	<u>Retention Period in Years</u>
Agriculture	Administration of agricultural programs	7
	Policy and Acts	P
Drainage	Flood Control and Drainage Projects	P
Weed Control Reports	until updated	1

### ASSETS

<u>Subject</u>	<u>Description</u>	<u>Retention Period in Years</u>
Acquisition	Orders for goods which do not require requisitions	1
Assets		20 S/O
	Disposal or write-off of obsolete or surplus assets	2



**COUNCIL, COMMITTEES, AND BOARDS**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Agendas	Part of Minutes	P
Annual Reports	Annual Ratepayers Meetings Local Committees/Boards	P 5
Associations and Societies	Participation in the functions of mutual professional interest	3
Boards/Committees	Authority and Structure Correspondence Minutes	7 7 P
Council	Agenda packages Agendas (file with Minutes) General Correspondence (internal letters, memos) Minutes (Adopted)	7 P 1 P
Minutes	Council Boards Committees	P P P
Resolutions	Minutes	P

**CONTRACTS AND AGREEMENTS**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Agreements/Contracts	Administrative (building/equipment rental etc) Caretaking Development Financial Major Legal Minor Legal Non-Financial (roadside cleaning, etc)	7 3 11 11 11 7 3
Franchises		P
Leases	After expiration	7

**EMERGENCY AND PROTECTIVE SERVICES**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Accident Reports	Major - fatality	P
	Major – serious injury	P
	Minor – minor or no injury	5
	Statistics	7
Ambulance Services	General administration documents	2
Disaster Services	General correspondence	1
Disaster Services	Investigation Reports	P
Emergency Services	General correspondence	1
Emergency Services	Investigation Reports	P

**FINANCE**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Accounting	Administration (general)	7
	Monthly reconciliation & receipts	2
	Year end general ledgers	P
Accounts Payable	Administration (general)	7
	Payable Vouchers	7
	Invoices	7
Accounts Receivable	Administration (general)	7
	Control and operation of receivable accounts	7
	Invoices	7
Assessment	Appeals	5
	Assessment Review Board Minutes	P
	Rolls	P
	Court of Revision documents	P
Audits	Methods and reports	P

Bank	Deposit books/slips	7
	Establishment of accounts	7
	Reconciliations	7
	Statements	7
Budgets	Capital (adopted)	P
	Operating (adopted)	P
	Working papers	7
Cash	Receipts Journal	7
	Disbursements	7
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Financial Statements	Audited	P
	Working papers	3
Funds (Debentures)	Administration of trust funds & revolving funds	P
Grants	Administration of financial assistance programs	P
	Requests from local organizations	2
Receipts	Books	7
Requisitions	Originals	7
	Paid	7
Taxation	Arrears	7
	Notices mailed	2
	Rolls	P
	Tax receipts	2
	Sale Deeds	P
Trial Balances	Monthly	2
	Year End	7
Utilities	Batch logs and receipts	7
	Bills	7
	Card locks	7

**INFRASTRUCTURE**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Airport Services	Construction and maintenance	P
	General administration	2
Bridges	Construction and maintenance	P
Capital Projects	Project lists, reports and statistics	P
Construction & Renovations	Progress reports & project studies on the construction and/or renovation of structures	P
Engineering	Drawings	P
Roads, Streets, Walks and Lighting	Construction and Road Use Agreements	P
	General	1
	Grader Beat maps	P
	Policy	P
	Road Requests	Active until complete
Sewage Service and Treatment	Contracts, Agreements	P
	General correspondence	3
Tenders	Successful	7
Tenders	Unsuccessful	1
Transportation Programs	Administration of construction & maintenance	3
Utilities	Project studies requirement reports, etc.	P
Utilities, Water & Sewer	Correspondence relating to installation, operation and maintenance of water & sewer systems	P
Vendors	Supplier files	3
Waste Transfer Stations	Contracts, agreements	P
Waste Transfer Stations	General administration documents	3

**LANDS**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Annexations	Correspondence	7
	Final Order	P
Cemeteries	Subdivision, plot registration (land files)	P
Development	Applications, decisions, permits, etc. (Land Files)	P
	Business licences (after expired)	1
Drainage	Flood Control and Drainage Projects	P
Land Files	Complete	P
Land Fills	All related correspondence	P
Lands	Appraisals – after sale	1
	Boundary changes	P
	Area Structure Plans	P
	Drainage - proposals, studies, projects	P
	Flood control	P
	General correspondence	1
	Surveys	P
Subdivisions	Applications, decisions, zoning, permits, etc. (Land Files)	P
Titles	Certificates of Title	P
	Legal Activities including transfers & titles (Land File)	P
Resources Management	Information relating to the management of Lands & resources	P

**LEGAL**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Acts and Legislation	Controlling the municipality	P
	Other jurisdictions' acts and regulations	C

Court Cases	Major	P
	Minor	7
Insurance	Claims	5
	Records	5
Legal	Opinions, correspondence	7
	Proceedings	7
Legislative & Cabinet	Actions of Provincial Legislation	3
Prosecution	All	7

**PERSONNEL**

<b><u>Subject</u></b>	<b><u>Description</u></b>	<b><u>Retention Period in Years</u></b>
Employee Benefits	A.H.C. Blue Cross	5
	Dental, etc	4
	W.C.B. Claims	3
Employee	Job applications (hired)	3
	Job applications ( not hired)	1
	Oaths of Office	P
	Personnel file	P
General	Confidential files (after termination)	7
	General administration of personnel management after termination	7
Income Tax	Deductions	7
	TD1	1
	T4	7
	T4 Summaries	7
Payroll	Garnishees	7
	Individual Earning	P
	Records journal	P
	Time sheets	5
	Employment insurance records	5
Termination	Employees	7