

BYLAW 99 - 09

OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17 In The Province of Alberta

Being a bylaw of the Municipal District of Opportunity No. 17 to establish Regulations & Procedures for the retention and disposal of municipal records.

WHEREAS Sections 214 of the Municipal Government Act, being Chapter M-26.1 1994, R.S.A. and amendments thereto, as well as compliance with the Freedom of Information and Protection of Privacy Act, being Chapter F-18.5 of the Statutes of Alberta, 1994 and amendments thereto provides for the establishment; and

WHEREAS the Council of the Municipal District of Opportunity No. 17, (hereafter called the "Municipality") in the Province of Alberta considers it necessary to provide regulations and procedures with respect to the retention and disposal of Records that are in the custody or control of the municipality; and

WHEREAS it is the desire of the municipality to establish the necessary authority to release municipal records to the Alberta Archives or other Alberta Centers 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 Opportunity No. 17 in the Province of Alberta, duly assembled, enacts as follows:

Part 1 – Title, definitions and symbols:

Section 1

- a) This bylaw is cited as "The Records Retention and Disposition Bylaw" of the Municipal District of Opportunity No. 17.

Section 2

- a) In this bylaw, unless the context otherwise requires, the word, term or expression:
- i) "Official" shall mean the Chief Administrative Officer, as defined in the Municipal Government Act or delegate, duly appointed by the Chief Administrative Officer of the Municipal District of Opportunity No.17.
 - ii) "Records" shall mean all records listed on the attached Schedule "A" that are in the custody or in control of the Municipal District of Opportunity No. 17 in any form or format.
 - iii) "Transitory Records" shall mean records that have short-term, immediate or no value and will not be required for future reference.
 - iv) "Confidential" shall mean any record which contains personal information about individuals, third-party, commercial, financial, scientific or technical information supplied either explicitly or implicitly in confidence or other sensitive information as described in Sections 15 – 28 of the Freedom of Information and Protection of Privacy Act.
 - v) "General Records" shall mean those records, which are used in day to day operations and are required to formulate recommendations, are used for scheduling and as information to assist in the efficient operations of the municipality.

Section 3

- a) When used in this Bylaw and the Schedules attached hereto, as well as, in the operation of any Records Management Systems established consistent with this Bylaw, the following symbols shall be used to designate the form of retention or disposal required:
- i) D Destroy
 - ii) P Permanent Retention
 - iii) A Permanently held in Alberta or other Archival Centre
 - iiii) T Transfer to appropriate authority

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Part 2 – Record & Destruction

Section 4 – Retention & Destruction

- a) All Transitory Records, which do not contain confidential information, shall be disposed of at anytime, when they no longer serve any valid purpose.
- b) All Transitory Records containing potentially confidential information shall be disposed of in a manner so that the information contained therein is completely obliterated, at anytime, when they do not serve any valid purpose.
- c) All General Records of the Municipal District of Opportunity No. 17 shall be destroyed after five (5) years, except as otherwise provided for in Schedule “A”.
- d) Should an individual’s personal information be used by the Municipal District of Opportunity No. 17 to make a decision that directly affects the individual, the Municipal District of Opportunity No. 17 shall retain the personal information for at least one (1) year from the date it was used to make the determination, so that the individual has a reasonable opportunity to obtain access to it.
- e) Where, in this Bylaw and Schedule “A” attached hereto, it is provided that particular records in the custody or control of the Municipal District of Opportunity No. 17 shall be:

Destroyed (D)

Such records shall be destroyed, so that the information contained therein is completely obliterated, without any copy thereof being retained; and

Permanent (P)

Such original records shall be preserved and never destroyed, excepting original records, which have been recorded on microfilm; and

Permanently held in Archives (A)

Such records shall be released to either the Provincial Archives or other local archives upon decision and direction of the Official. A copy of the transferred record index shall be permanently retained on file; and

Transferred to an appropriate authority (T)

Such records shall be transferred to the authority responsible for the records upon decision and direction of the Official, when they are no longer under the authority or responsibility of the Municipal District of Opportunity No. 17. A copy of the transferred record index shall be permanently retained on file.

Until Superseded or Upon Replacement (S/O)

Such records shall be kept for the stated number of years unless the record has been replaced by a new record thus superseded and becomes obsolete.

Section 5 – Discretion

- a) 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 an indication that there is or maybe any litigation involving any of said records. Such decisions to retain the records longer than the period provided for herein shall be recorded in the record retention index.

Section 6 – FOIP (Freedom of Information and Protection of Privacy Act) Requests

- a) Where the Official has received an indication that there is or maybe a FOIP request involving any records scheduled for destruction, the Official is obligated to retain said records for a period of one (1) year after the FOIP request has been made. Such decisions to retain the records longer than the period provided for herein shall be recorded in the record retention index.

Schedule "A"
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RECORDS RETENTION SCHEDULE

Subject	Description	Suggested Retention Period in Years
Accountants	Working Papers	7
Accounts	Paid (summary sheet)	7
	Payable Vouchers	7
	Receivable Duplicate	7
	Invoices	
Administration	Reports (not part of minutes)	7
Advertising	General	2
	As Per Legislation	7
Agendas	Part of Minutes	P
Agreements	General	7 S/O
	Development	7 S/O
	Major Legal	7 S/O
	Minor Legal	7 S/O
Annexations	Correspondence	7
	Final Order	P
Annual reports		5-7
Annual reports	Local Boards	5-7
Applications	Site Plan Approval	2
	Subdivision (after final approval)	3
	Part-time Employees (after end of employ)	1
	Other Than Those in Minutes	3
Appointments		
Assessment	Rolls	P
	Assessment Review Board (ARB) Minutes	P
	ARB Work File	5
	Appeals	7
	ARB Records	7
	Duplicate Roll	7
	Review Court Records	7
	Board File	5
	Assessment Appeal	
Assets	Records of Surplus	5
	Temporary Files	2
Bank	Deposit Books	7
	Deposit Slips	7

	Memos (Credit/Debit)	7
	Reconciliations	2
	Statements	7
Boards	Minutes	P
	Authority & Structure	5 S/O
	Correspondence	5
Briefings/Reports	To Council	7
Budgets	Operating (in minutes)	P
	Capital (in minutes)	P
	Working Papers	3
Bylaws	All	P
Cash	Receipts Journal	7
	Disbursements Journal	7
	Duplicate Receipts	7
Certificates	Of Title	P
Census	Reports	10
Cheques	Cancelled (paid)	7
	Register	7
	Stubs	7
Claims	Notice of	7 S/O
	Statements of	7 S/O
Committee	Minutes	P
Compensation	Records	7
Computer Cards		1
Contracts	Files(completion of)	7 S/O
	Forms	7
	Major Legal	7 S/O
	Minor Legal	7 S/O
Council	Minutes	P
Court Cases		7 S/O
Destroyed Records Index		P
Documents	Not Part of Bylaws	7 S/O
	Agreements Major Legal	7 S/O
	Agreements Minor Legal	7 S/O
	Contracts Legal	7 S/O
	Easements	7 S/O
	Leases (after expiration)	7 S/O
	Notices of Change of	7 S/O
	Land Titles	
Elections	Nomination Papers	Sec 28(4) Local Authorities Election Act
	Ballot Box Contents	Sec 101 Local Authorities Election Act
Engineering	Drawings	P
Employee Benefits	A.H.C. Blue Cross,	5

	Dental, etc.	
	W.C.B. Claims	4-5
Employees	Job applications (hired)	3
	Job application (not hired)	1
	Job Descriptions	3 (after position abolished)
	Oaths of Office	P
	Personnel File	P
Financial Statements	Interim	7
	Working Papers	3
	Final	10
Franchises		P
Income Tax	Deductions	5-7
	TD1	1
	T4	5-7
	T4 Summaries	5-7
Inquiries	From the Public	3
Insurance	Claims	5 (after settled)
	Records (after expiration)	5
Land	Appraisals	1 (after sold)
Leases	After Expiration	7 S/O
Legal	Opinions	7 S/O
	Proceedings	7 S/O
Legislation	Acts (After superseded)	1
Licenses	Applications	3
	Business (after expired)	5
	Literature	2
Local Improvements	Records	P
Maps	Base (original)	P
	Contour	P
Maintenance Reports		7
Minutes	Council	P
	Boards	P
	Committees	P
Monthly Reports	Road	5-7
Municipal Affairs	Annual Reports	5
Organization	Structure & Records	2-5 S/O
Payroll	Garnishees	3
	Individual Earning	P
	Records	
	Journal	P
	Time Cards	4-6
	Time Sheets - Daily	5
	- Overtime	5

	- Weekly	5
	Employment Insurance	5
	Records	
Permits	Development	7 S/O
Petitions		7-10
Plans	Official	P
	Amendments	P
	Subdivision	P
Policy	After Superseded	5
Progress Reports	Project	5-7
	Under Contract (Final	5-7 S/O
	Payment	
Property Files		Until sold + 7
Prosecution	All	7 S/O
Publications	Local Reports	3
Purchase	Land	Until sold +7
Receipts	Books	7
	Duplicate Cash	7
	Registration	7
Receptions & Special		3
Events (non historic)		
Reports	Accident	7 S/O
	Accident Statistics	7 S/O
	Field	7 S/O
Requisitions	Copies	2
	Duplicate	7
	Paid	7
Resolutions	Minutes	P
Subdivision	After Final Approval	7
Street	Sign Inventory Register	P
Tax	Rolls	P
Tax Recovery	Records	P
Taxes	Arrears	7
	Final Billing	10
	Municipal Credits	7
	Receipts	7
	Rolls	P
	Sale Deeds	P
Termination	Employees	P
Tenders	Files	7
	Successful	7
	Purchase Quotations	7
	Unsuccessful	2
Traffic	Streets	7
Training and		5

Development Files		
Trial Balances	Monthly	3
	Year End	7
Vendors	Acknowledgments To	2
	Contracts	7
	Suppliers Files	7
Vouchers	Duplicate	7
Writs		10
Weed Control Reports	until updated	1
Zoning	Bylaws	P
	Bylaw Enforcement	5

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Section 7 – Permanent Retention and Destruction

- a) When records have been destroyed under this Bylaw, with the exception of records destroyed under Section 4 a) and b), the Official shall so certify in writing. Such certification 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 transferred to Archives
 - iii) Records transferred to Another Authority
- c) Where 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 microfilm is properly prepared, identified and indexed.
- e) Destruction of all records shall be carried out in the presence of a witness. The person destroying the records shall provide a statement in writing attesting to the time and location of the destruction of the records, together with a list of the records destroyed and also the names of the persons who witnessed the destruction. The statement of disposition shall be presented to Council and permanently filed in the Municipal District of Opportunity No. 17 office.
- f) Election material that has been locked in ballot boxes may be destroyed in accordance with the provisions of the Local Authorities Election Act, R.S.A. 1983 cL-27.5.

Section 8 – Retention Audit

- a) The Official will ensure that the retention schedule attached hereto shall be adhered to and that annual audits of the records will be conducted to ensure compliance with this Retention and Disposition Bylaw.

Part 3 – General

Section 9 – Record Retention Schedules

- a) The attached Schedule "A" is hereby adopted. It may be amended by resolution of the Council upon the recommendation of the Official.

Section 10 – Storage and Security

- a) It shall be the responsibility of the Official to provide for the adequate storage and security of all Municipal District of Opportunity No. 17 records.

Part 4 – Enactment

- a) This Bylaw shall come into force and have effect upon it being read a third time and passed.

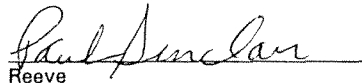
Read the First time in Council this 13 day of October, 1999.

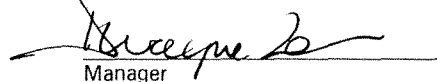
Read the Second time in Council this 13 day of October, 1999.

WITH UNANIMOUS CONSENT,

READ the Third time in Council, and finally passed, this 13 day of

October, 1999.


Reeve


Manager