

Rural Municipality of Warren Grove, PEI
A Bylaw to Manage and Dispose of Records
Bylaw # 2020-02

BE IT ENACTED by the Council of the Rural Municipality of Warren Grove as follows:

1. Title

- (1) This bylaw shall be known and cited as the “Records Retention Bylaw.”

2. Authority

- (1) The *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., and related regulations require municipalities to manage and retain municipal records.
- (2) Subsection 117(1) of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1., requires council to provide, by bylaw, a schedule for the management and disposal of all records and other documents that are required to be retained by the municipality.

3. Application

- (1) This bylaw applies to members of Council, Council Committees, and municipal staff related to the creation, retention, management and disposal of records.

4. Definitions

- (1) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.
- (2) “Chief Administrative Officer” or “CAO” means the administrative head of the Municipality as appointed by council under subsection 86(2)(c) of the *Municipal Government Act*.
- (3) “Council” means the Mayor and other members of the Council of the Municipality.
- (4) “Councillor” means a member of the Council other than the Mayor.
- (5) “Municipality” means the Rural municipality of Warren Grove.
- (6) “Permanent record” means a record the Municipality is required to retain permanently.
- (7) “Record” means information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing, or otherwise processing information.
- (8) “Regulations” means the Records Retention Regulations pursuant to clause 261(1)(f) of the Act.

- (9) "Temporary record" means a record that the Municipality is required to maintain for a minimum period of time in accordance with the schedule in the Regulations.

5. General

- (1) The Municipality establishes under this bylaw a records retention schedule for maintenance and disposal of records as contained in Schedule 'A'
- (2) The CAO shall administer this bylaw and is responsible for ensuring that records are managed and retained in accordance with the Act and Regulations.
- (3) Schedule 'A' may be amended by resolution as permitted in clause 135(2)(c) of the Act but shall comply with all legal requirements for records retention.

6. General Retention and Disposition Requirements

- (1) Council shall ensure for each record, that
 - (a) the record is retained in accordance with the Regulations and this bylaw;
 - (b) where the record is not stored in the municipal office, the record is stored in a location and manner that is secure and will preserve the integrity of the record; and
 - (c) documentation, which provides details of the destruction of the record or its transfer to permanent storage, of the final disposition of the record is permanently maintained.

7. Temporary Records

- (1) Council shall ensure temporary records
 - (a) shall be retained in the municipal office for a minimum of two years; and
 - (b) during this two year period, shall be accessible within 24 hours.
- (2) Temporary records may be moved at the end of the retention period in 7(1)(a) to a storage facility outside the municipality for the remainder of the retention period specified in Schedule 'A' if
 - (a) the storage facility meets the requirements of 6(1)(b); and
 - (b) is accessible within three business days.

8. Destruction of Records

- (1) Council may,
 - (a) at the end of the retention period specified for a temporary record, provide for the secure destruction of the record;
 - (b) authorize the destruction of a duplicate copy of a record at any time, subject to the requirements for retention of duplicate copies in Schedule 'A.'

9. Permanent Records

- (1) Council shall ensure permanent records

- (a) are retained in the municipal office for a minimum period of five years and, during that period, are accessible within 24 hours; and
 - (b) are not destroyed
- (2) Council shall, as soon as reasonably possible after the end of the retention period specified in 9(1)(a), move a record to which subsection (1) applies
- (a) to permanent storage in a secure facility that will preserve the integrity of the record; and
 - (b) ensure the record is accessible within three business days.

10. Electronic and Microfilm

- (1) Council shall ensure electronic records
- (a) are retained and retrievable for the minimum retention period; and
 - (b) in the case of permanent records, are copied to paper or microfilm for the purpose of transfer to permanent storage.
- (2) Microfilm applications of permanent records shall conform to industry-accepted technical standards and established preparation and documentation procedures.

11. Protection of Records

- (1) Council shall ensure that reasonable care is taken to protect records against damage, deterioration, unauthorized destruction, sale or other disposition or theft.

12. Schedule Adopted

- (1) The schedule to this bylaw is adopted and forms part of this bylaw.

13. Effective Date

- (1) This Records Retention Bylaw, Bylaw# 20XX-XX, shall be effective on April 1, 2020.

First Reading:

This Records Retention Bylaw, Bylaw# 2020-2, was read a first time at the Council meeting held on the 09 day of January, 2020.

This Records Retention Bylaw, Bylaw# 2020-2, was approved by a majority of Council members present at the Council meeting held on the 09 day of January, 2020.

Second Reading:

This Records Retention Bylaw, Bylaw# 2020-2, was read a second time at the Council meeting held on the 06 day of February, 2020.

This Records Retention Bylaw, Bylaw# 2020-2, was approved by a majority of Council members present at the Council meeting held on the 06 day of February, 2020.

Approval and Adoption by Council:

This Records Retention Bylaw, Bylaw# 2020-2, was adopted by a majority of Council members present at the Council meeting held on the 05 day of March, 2020.

14. Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Records Retention Bylaw adopted by the Council of the Rural Municipality of Warren Grove on 05 March, 2020 is certified to be a true copy.

Chief Administrative Officer Signature

Date

Schedule A:

RECORDS RETENTION SCHEDULE

Note: The subject matter is listed alphabetically followed by a retention period. The retention period is identified either as “PERMANENT” or expressed as a number of years. Retention periods are labelled as:

(a) CY - a retention period that concludes after the end of a calendar year (i.e. after December 31st of a given year).

(b) FY - a retention period that concludes after the end of a fiscal year as established in section 149 of the *Municipal Government Act*.

(c) closed after information is superseded (replaced or take the place of) or obsolete (no longer in use) (S/O)

In the event of a conflict between this schedule and the *Municipal Government Act* Records Retention Regulations, the Regulations shall apply.

| SUBJECT | DESCRIPTION | RETENTION PERIOD (YEARS) | ENDS |
|--------------------------|---|--------------------------|------|
| Accountants | Working Papers | 7 | FY |
| Accounts | Paid (summary sheet) | 7 | FY |
| | Payable vouchers | 7 | FY |
| | Receivable duplicate invoices | 7 | FY |
| Administration | Reports (not part of Minutes) | 7 | CY |
| Advertising | Electoral | 4 | CY |
| | Other notices- MGA, other legislation | 2 | CY |
| Agendas | Part of Minutes | PERMANENT | |
| Agreement | General | 12 | S/O |
| | Development | 12 | S/O |
| | Major legal | 12 | S/O |
| | Minor legal | 12 | S/O |
| Annexations | Correspondence | 7 | CY |
| | Final Order | PERMANENT | |
| Annual Reports | Council, Boards, Commissions | 5 | CY |
| Applications | Site plan approval | 2 | CY |
| | Subdivision (after final approval) | 3 | CY |
| | Part-time employees (after end of employment) | 1 | CY |
| Appointments | Other than those in Minutes | 3 | FY |
| Assessment | Rolls | PERMANENT | |
| | Assessment review Board (ARB) Minutes | PERMANENT | |
| | ARB work file | 5 | FY |
| | Appeals | 12 | FY |
| | ARB records | 7 | FY |
| | Duplicate roll | 7 | FY |
| | Review Court records | 7 | FY |
| Assessment Appeal | Board file | 5 | FY |
| Assets | Asset Management Inventory | 20 | S/O |
| | Records of surplus | 7 | FY |
| | Temporary files | 2 | FY |
| Bank | Deposit books | 7 | FY |
| | Deposit slips | 7 | FY |
| | Memos (credit/debit) | 7 | FY |
| | Reconciliations | 2 | FY |

| | | | |
|--------------------------|---|----------------------------|-----|
| | Statements | 7 | FY |
| Boards | Minutes | PERMANENT | S/O |
| | Authority & Structure | 5 | CY |
| | Correspondence | 5 | CY |
| Briefings/Reports | To Council | 7 | CY |
| Budgets | Operating (in minutes) | PERMANENT | |
| | Capital (in minutes) | PERMANENT | |
| | Working papers | 3 | FY |
| Bylaws | All | PERMANENT | |
| Cash | Receipts journal | 7 | FY |
| | Disbursements journal | 7 | FY |
| | Duplicate receipts | 7 | FY |
| Certificates | Of Title | PERMANENT | |
| Census | Reports | 12 | CY |
| Cheques | Cancelled (paid) | 7 | FY |
| | Register | 7 | FY |
| | Stubs | 7 | FY |
| Claims | Notice of | 12 | S/O |
| | Statements of | 12 | S/O |
| Committee | Minutes | PERMANENT | |
| Compensation | Records | 10 | FY |
| Contracts | Files (completion of) | 12 | S/O |
| | Forms | 12 | FY |
| | Major legal | 12 | S/O |
| | Minor legal | 12 | S/O |
| Council | Minutes | PERMANENT | |
| Court Cases | | 12 | S/O |
| Destroyed Records | Index | PERMANENT | |
| | Signed destroyed | PERMANENT | |
| | records statements | | |
| Documents | Not part of bylaws | 12 | S/O |
| | Agreements, major legal | 12 | S/O |
| | Agreements, minor legal | 12 | S/O |
| | Contracts legal | 12 | S/O |
| | Easements | 12 | S/O |
| | Leases (after expiration) | 12 | S/O |
| | Notices of change of land titles | 12 | S/O |
| Elections | All election documents other than ballot box contents | 4 | CY |
| | Ballot box contents | In accordance with the MGA | CY |
| Engineering | Drawings | PERMANENT | |
| Employee Benefits | Health, Dental, WCB Claims, etc. | 5 | CY |
| Employees | Job applications (hired) | 3 | CY |

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|-----------------------------|-----------------------------|---|-----|
| | Job application (not hired) | 1 | CY |
| | Job descriptions | 3 (after position abolished) | CY |
| | Oaths of Office | 1 (after position vacated) | CY |
| | Personnel file | 3 (after cessation of employment) or 6 (after dismissal) | CY |
| Financial Statements | Interim | 10 | FY |
| | Working papers | 7 | FY |
| | Final | 12 | FY |
| Franchises | | PERMANENT | |
| Income Tax | Deductions | 7 | FY |
| | TD1 | 7 | FY |
| | T4 | 7 | FY |
| | T4 Summaries | 7 | FY |
| Inquiries | From the public | 3 | CY |
| Insurance | Claims | 12 (after settled) | FY |
| | Records (after expiration) | 12 | FY |
| Land | Appraisals | 1 (after sold) | |
| Leases | After expiration | 7 | S/O |
| Legal | Opinions | 12 | S/O |
| | Proceedings | 12 | S/O |
| Legislation | Acts (after superseded) | 1 | CY |
| Licenses | Applications | 3 | CY |
| | Business (after expired) | 5 | CY |
| | Literature | 2 | CY |
| Local Improvements | Records | PERMANENT | |
| Maps | Base (original) | PERMANENT | |
| | Contour | PERMANENT | |
| Maintenance Reports | | 12 | CY |
| Minutes | Council | PERMANENT | |
| | Boards | PERMANENT | |
| | Committees | PERMANENT | |
| Monthly Reports | Road | 5 | FY |
| Municipal Affairs | Annual reports | 5 | FY |
| Organization | Structure and records | 2 | S/O |
| Payroll | Garnishees | 7 (after garnish is removed) | FY |
| | Individual earning records | 7 | FY |
| | Journal | 7 | FY |
| | Time cards | 7 | FY |
| | Time sheets - daily | 7 | FY |
| | Time sheets - | 7 | FY |
| | Overtime | | |
| | Time sheets - weekly | 7 | FY |

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|---|--------------------------------|-----------------------------------|-----|
| | Employment Insurance | 5 (after cessation of employment) | FY |
| Permits | Development | 12 | S/O |
| Petitions | | 10 | CY |
| Plans | Official | PERMANENT | |
| | Amendments | PERMANENT | |
| | Subdivision | PERMANENT | |
| Policy | After superseded | 5 | CY |
| Progress Reports | Project | 5 | CY |
| | Under contract (final payment) | 7 | S/O |
| Property Files | | Until sold +10 | FY |
| Prosecution | All | 12 | S/O |
| Publications | Local reports | 3 | CY |
| Purchase | Land | Until Sold +12 | FY |
| Receipts | Books | 7 | FY |
| | Duplicate cash | 7 | FY |
| | Registration | 7 | FY |
| Receptions & Special Events (non-historic) | | 3 | CY |
| Reports | Accident | 12 | S/O |
| | Accident statistics | 12 | S/O |
| | Field | 12 | S/O |
| Requisitions | Copies | 2 | FY |
| | Duplicate | 7 | FY |
| | Paid | 7 | FY |
| Resolutions | Minutes | PERMANENT | |
| Subdivision | After Final Approval | 12 | CY |
| Street | Sign Inventory Register | PERMANENT | |
| Tax Recovery | Records | PERMANENT | |
| Taxes | Arrears | 7 | FY |
| | Final Billing | 12 | FY |
| | Municipal Credits | 7 | FY |
| | Receipts | 7 | FY |
| | Rolls | PERMANENT | |
| | Sale Deeds | PERMANENT | |
| Termination | Employees | 7 | CY |
| Tenders | Files | 12 | FY |
| | Successful | 12 | FY |
| | Purchase Quotations | 12 | FY |
| | Unsuccessful | 10 | FY |
| Traffic | Streets | 7 | CY |
| Training and Development Files | | 5 | CY |
| Trial Balances | Monthly | 5 | FY |

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|-----------------------------|--------------------|-----------|----|
| | Year End | 7 | FY |
| Vendors | Acknowledgments To | 2 | FY |
| | Contracts | 12 | FY |
| | Suppliers Files | 12 | FY |
| Vouchers | Duplicate | 7 | FY |
| Weed Control Reports | Until updated | 1 | CY |
| Zoning | Bylaws | PERMANENT | |
| | Bylaw Enforcement | 5 | CY |