

BYLAW NO. 1131-2017

A BYLAW OF THE VILLAGE OF DELBURNE, IN THE PROVINCE OF ALBERTA, PURSUANT TO PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT, BEING CHAPTER M-26 OF THE REVISED STATUTES OF ALBERTA 2000 AS AMENDED, TO PROVIDE REGULATIONS AND PROCEDURES FOR THE RETENTION AND DISPOSAL OF MUNICIPAL DOCUMENTS.

WHEREAS it is the desire of the Council of the Village of Delburne to provide for regulations with respect to the retention and disposal of municipal documents including correspondence, records, receipts, vouchers, instruments, transitional 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 Village of Delburne duly assembled, enacts as follows:

PART I – TITLE, DEFINITION AND INTERPRETATION

Section 1

1.1 This Bylaw may be cited as “The Records Retention Bylaw” of the Village of Delburne.

Section 2

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

- (a) “Blank Information Media” shall mean anything that was created or acquired for the purpose of collecting or storing information but which has not been used and has become obsolete such as forms, dictation tapes, diskettes, magnetic tapes, disk drives, or optical disks.
- (b) “Board” shall mean any Board or Committee established by Bylaw of the Village of Delburne.
- (c) “Direct Mail” shall mean a transitory record that is solicited or unsolicited information received from organizations or individuals advertising their products or services.
- (d) “Draft Document and Working Materials” shall mean a transitory record that includes source materials used in the preparation of documents and earlier versions of final documents.
- (e) “Duplicates” shall mean a transitory record that is an exact reproduction of a master document, such as a photocopy or extra copies printed from a computer system or by a commercial printer.
- (f) “Municipality” shall mean all the Village of Delburne.
- (g) “Official or designate” shall mean the Chief Administrative Officer (as defined in the Municipal Government Act) of the Village of Delburne or designate duly appointed by Council or by the Chief Administrative Officer;
- (h) “Publications” shall mean a transitory record that is a book, magazine, periodical, pamphlet, brochure, journal, newspaper and software

documentation obtained from sources outside the organization or from within the organization.

- (i) "Records" shall mean a record of information in any form and includes books, documents, maps, letters, papers and any other information that is written, recorded, photographed, or stored in any manner including electronically held by the Village of Delburne in any form.
- (j) "Solicitor" shall mean the municipal Solicitor as appointed or engaged from time to time by Council;
- (k) "Temporary Transitory Records" shall mean temporary information such as telephone messages, routing slips, post-it notes, opened envelopes, memos, notes and messages either paper, voice or electronic where the information has only immediate of very short-term value.

Section 3

3.1 This Bylaw applies to all departments of the municipality.

3.2 The Chief Administrative Officer is hereby delegated to carry out the Provisions of the Records Retention Bylaw

3. When used in this Bylaw and the Schedules attached hereto, and in the operation of any Records Management Systems established consistent with this Bylaw, symbols shall be used to designate the form of retention or disposal as follows:

A	Archive
D	Destroy
P	Permanent (retention)

PART II - RECORD RETENTION AND DESTRUCTION

Section 4

4.1 Where, in this Bylaw and Schedule "A" attached hereto, it is provided that particular records of the Village of Delburne, or of a local Board accountable to the municipality thereof, shall be:

(a) Archive

If approved by Council 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. Prior to Council approval, the Official or designate shall review the documents to ensure that the release of the documents does not contravene the provisions of the Municipal Government Act or any other legal obligation binding on the municipality.

(b) Destroyed

Such records shall be destroyed without any copy thereof being retained;

(c) Permanent

Such original records shall be preserved and never destroyed;

4.2 Where 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 5

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

Section 6

- 6.1 (a) When records have been destroyed under this Bylaw, the Official or designate 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 or designate shall keep an index of:
- i) Records destroyed
 - ii) Records referred to Archives;
- (c) Where records are destroyed under this Bylaw, the proper and complete destruction thereof is the responsibility of the Official or designate;
- (d) All records destroyed should be authorized by the Official and the destruction should be carried out in the presence of a witness who shall be an employee of the municipality. The person destroying the records should provide a statement in writing attesting to the time and place of the destruction of the records, together with a detailed list of the records destroyed and also the name of the person who witnessed the destruction as well as the signature of the witness.

This statement of deposition should be presented to the Official and permanently filed in the office records.

- (e) Election material that has been locked in the ballot boxes can be destroyed in accordance with the provisions of the Local Authorities Election Act.

PART III - GENERAL

Section 7

1 The attached Schedule "A", Pages 1 to 6 inclusive, is hereby adopted. It may be amended upon recommendation of the Official or designate to the Council.

Section 8

8.1 It shall be the responsibility of the Council to provide for policies regarding management, security and storage of all municipal documents. Such policies shall be administered by the Official or designate for all municipal documents.

PART IV ENACTMENT

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

Bylaw #1041 is hereby repealed.

FIRST READING of Bylaw No. 1131-2017 granted this 27 day of June, 2017.

SECOND READING of Bylaw No. 1131-2017 granted this 27 day of June, 2017.

That Council proceed with third and final reading.

THIRD AND FINAL READING of Bylaw No. 1131-2017 granted this 27 day of June, 2017.



Ray Reckseidler, Mayor



Karen M. Fegan, CAO

Records Classification Structure and Retention

Schedule A	Schedule	
Category	Record Activity	Retention Period
Assessment and Taxation	Asset Register (TCA Lists, Inventory, etc) Assessment Evaluation (Wild Rose Assessments) Land Titles Linear Assessment- CD Local Improvement (Street Improvement, etc) Mortgage Lists Tax Payment Plan Forms Mortgage Files	Life of item + 7 Years Life of item + 10 Years Permanent Tax Billing Complete + 10 Years Permanent 1 Year 7 Years 7 Years
Community Services and Organizations	Arts Beautification Entertainment Ceremonies and Celebrations History Programs Recreation Social Services Tourism	7 Years 7 Years 7 Years 7 Years Permanent 10 From End of Program 7 Years 10 From End of Program 7 Years
Financial Management	Account Receivables Account Payables Accounting- Working Papers Audit Bank- Statements, Reconciliations, Deposit Books Borrowing Debentures Donations- To Museum Financial Statements - Working Papers	12 Years 12 Years 12 Years 12 Years 12 Years Debt Paid + 10 Years Debt Paid + 10 Years Permanent Permanent 3 Years
E = Final grant report submitted or funding complete or end of tangible asset funded by grant	Grants- Provincial Federal- Includes MSI Local- Includes FCSS Agreement	E + 7 Years E + 12 Years E + 7 Years Permanent
Category	Record activity	Retention Period
Financial Management Cont'd	Insurance- General Records Claims Investments Leasing Loans / Guarantees	5 after Policy Expiration 5 after Settlement Maturation + 7 Years 10 after Expiration Debt Paid + 10 Years

	Purchase of Land Receipts Tax Certificates Joint Interest Billing Land Lease- Oil and Gas (Arc Resources or Sun Century)Invoice Sale of Assets Tax Recovery / Notification Utilities - Meter Readings Accounts	Permanent 7 Years 4 Years 20 Years From Invoice/ Payment 20 Years From Invoice/ Payment 7 Years Permanent 7 Years 7 Years
Government and Community Relations	Advertising- General Legislated Boards- Authority, Structure, Correspondence Budget- Final Working Papers Bylaws Correspondence- General Historical Census Reports Council - Meetings, Minutes, Agendas Complaints, Requests, Actions Meeting Notes Boards- Authority, Structure, Correspondence, Agenda Minutes Annual Reports Election Inquires from the Public Media Relations Memberships Legislation - Acts Ministerial Orders Municipal Affairs- Annual Reports Notices Petitions Policies and Procedures Provincial Legislation Public Relations - Open Houses Reporting / Conformance (MGA) Salaries and Wages SDAB Decisions Surveys- Required by Council	7 Years 12 Years 12 or Superseded Permanent 7 Years Permanent 7 Years Permanent 15 Years Permanent 3 Years from Resolution After Dealing With After minutes adopted Permanent Permanent 5 - 7 Years 3 Years from Resolution 3 Years Until Cancel Membership + 3 Years Until Superseded + 1 Year Permanent Permanent 5 Years 10 Years 10 Years or Until Obsolete Until Superseded Event date + 5 Years Until Superseded Until Superseded Permanent 15 Years
Government and Community Relations Cont'd		
Information Management	Authorization Correspondence: No action taken, no response required???? General Register Policy Historical Contacts FOIP Instructions / Manuals	Until Superseded 1 Year 7 years 12 years 12 Years Permanent Until Obsolete Permanent Until Sale of Asset or Obsolete

	Records Management Photos Substantive Telephone Messages Substantive Post-It Notes Substantive Internal Memos Substantive Electronic Messages - Printed Non-Substantive Telephone Messages Non-Substantive Post-It Notes Non-Substantive Internal Memos Non-Substantive Electronic Messages Destroyed Records Index	Permanent Permanent 7 Years 1 Year 1 Year 1 Year After Dealing With After Dealing With After Dealing With After Dealing With Permanent
Law Enforcement	Bylaw Enforcement Compliance-Safety,AB Transportation Guidelines,etc Fines Distribution Police Patrol Reports	7 Years 11 Years 12 Years 20 Years
Category	Record Activity	Retention Period
Legal Services	Agreements / Contracts Rental or Service Oil Lease Flaring Notices Claims- Statement of, Notice of Licenses- Business and Applications Legal / Court Action Permits- Building, Development, Inspection Reports Safety Codes Review Rental or Service Contracts Representation- Warren Sinclair	Permanent 12 Years after Expiry 80 Years 20 Years 7 after Expiration Permanent Work Complete + 10 Years 10 Years 12 Years after Expiry Settlement + 10 Years
Operations	Animal Control Cemetery- Sale of plots,Plot Records Burial Permits, Maps Emergency Services-Accidents,Emergency Response Policing, Security Emergency Management Garbage and Recycling Contracts Fire Services - Red Deer County Public Works Equipment - Leasing, Maintence, Warranties Vehicles-Inspection, Insurance, Maintenance Sewer Treament (Lagoon) Sewage Analysis Records Supplies- Inventory (Gravel, Sand, Parts, etc.) Water Analysis Records Water Treatment Plant Reports Weed Control Reports	7 Years Permanent Permanent 12 Years Permanent Until Replaced + 5 Years Permanent Permanent Until Replaced + 5 Years 12 Years 12 Years 25 Years 8 Years 25 Years 12 Years 3 Years

Category	Record Activity	Retention Period
Personnel and Occupational Health	Employee Records- Job Applications (Hired) (Not hired) P/T Employees Personnel Files Payroll Recruitment Safety- Incident Reports Training, Education, Certification	60 Years 6 Months 12 Years after end of employment 60 Years 8 Years 3 Years 12 From Date of Incident Expiry or Obsolete + 2 Years

Planning and Development	Annexation and Subdivision Conservation Development Economic Development Local Improvements Maps Municipal Development Plan Area Structure Plan Planning Roads and Sewer Upgrades Plans and Blueprints Statistical Information Return	Permanent Until Obsolete + 10 Years Permanent Until Replaced or Obsolete + 2 Years Permanent Until Replaced + 5 Years Until Replaced + 5 Years Until Replaced + 5 Years Until Obsolete + 10 Years Permanent Permanent Permanent
Property and Infrastructure Management	Infrastructure Sale of Assets Mail Ballot for Land Lease Oil and Gas Revenue Notification of Proposed Pipeline ATCO - Annual Report	Life of Infrastructure + 11 Years 8 Years 20 Years from Notification 20 Years from Notification Permanent