

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

BE IT ENACTED by the Council of the Rural Municipality of Belfast 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 Belfast.
- (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, or as per 6.(1)(b) above, 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 # 2020-02, shall be effective on April 1, 2020.

First Reading:

This Records Retention Bylaw, Bylaw# 2020-02, was read a first time at the Council meeting held on the 15th day of January, 2020.

This Records Retention Bylaw, Bylaw# 2020-02, was approved by a majority of Council members present at the Council meeting held on the 15th day of January, 2020.

Second Reading:

This Records Retention Bylaw, Bylaw# 2020-02, to be read a second time at the Council meeting held on the 19th day of February, 2020.

This Records Retention Bylaw, Bylaw# 2020-02, was approved by a majority of Council members present at the Council meeting held on the _____ day of _____, 2020.

Approval and Adoption by Council:

This Records Retention Bylaw, Bylaw# 2020-02, was adopted by a majority of Council members present at the Council meeting held on the _____ day of _____, 2020.

14. Signatures

Mayor Garth Gillis
(signature sealed)

Chief Administrative Officer Bob Brooks
(signature sealed)

This Records Retention Bylaw # 2020-02 adopted by the Council of the Rural Municipality of Belfast _____ on _____ (date) _____ is certified to be a true copy.

Chief Administrative Officer Signature

Date

Note: This attached SCHEDULE A, forms part of this bylaw and may only be amended in accordance with Part 5, Division 2 of the Act (Section 135) but shall comply with all relevant legal requirements for records retention.

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. Dec. 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) S/O - closed after information is superseded or obsolete. 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	
	Authority and 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	Records	12	S/O
Destroyed Records	Index	PERMANENT	
	Signed destroyed	PERMANENT	
	Records statements	PERMANENT	
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 titles	12	S/O
Elections	All election docs. Other than ballot box contents	4	CY
	Ballot box contents	In accordance with MGA	CY
Engineering	Drawings	PERMANENT	
Employee Benefits	Health, Dental, WCB Claims, etc.	5	CY
Employees	Job applications (hired)	3	CY
	Job applications (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 employ) or 6 (after dismissal)	CY
Financial Statements	Interim	10	FY
	Working Papers	7	FY
	Final	12	FY
Franchises	Records	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)	S/O
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	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	Garnishes	7	FY
	Individual earning records	7	FY
	Journal	7	FY
	Time cards	7	FY
	Time sheets (any)	7	FY
	Overtime	7	FY
	Employment insurance	5 (after cessation of employment)	FY
Permits	Development	12	S/O
Petitions	Accepted/Submitted	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	All	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)	Records	3	CY
Reports	Accident	12	S/O
	Duplicate	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	FY
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
	Year-End	7	FY
Vendors	Acknowledgements to	2	FY
	Contracts	12	FY
	Suppliers files	12	FY
Vouchers	Duplicate	7	FY
Weed Control Reports	Until updated	1	CY
Zoning	Bylaws	PERMANENT	FY
	Bylaw enforcement	5	CY