

**TOWN OF PEACE RIVER
BYLAW NO. 1913**

BEING A BYLAW OF THE TOWN OF PEACE RIVER IN THE PROVINCE OF
ALBERTA FOR THE RETENTION AND DISPOSITION OF MUNICIPAL RECORDS

WHEREAS, Section 208(1)(d) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto (*MGA*), provides that the Chief Administrative Officer must ensure that bylaws and minutes of Council meetings and all other records and documents of the municipality are kept safe;

WHEREAS, Section 214(2) of the *MGA* provides that Council may pass a bylaw respecting the destruction of records of the municipality; and

WHEREAS, it is deemed advisable to enact a bylaw to authorize the destruction of records of the municipality;

NOW THEREFORE, the Council of the Town of Peace River, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This bylaw may be cited as the "Records Retention and Disposition Bylaw".

DEFINITIONS

2. In this bylaw:
 - (a) "Administrative Value" means the potential use of the records in performing current or future municipal operations.
 - (b) "Certificate of Destruction" means certification issued by a company which offers record destruction services, attesting to the destruction of records.
 - (c) "Chief Administrative Officer" means the person appointed to the position pursuant to Section 205 of the *MGA* or his delegate.
 - (d) "Council" means the mayor and councillors of the Town of Peace River.
 - (e) "Destruction" means such records shall be destroyed so that the information contained therein is completely obliterated without any copy thereof being retained.
 - (f) "Disposition" means the destruction of records, or transfer of records to the Peace River Museum, Archives and Mackenzie Centre.
 - (g) "Fiscal Value" means the expected use of the records for financial transactions.
 - (h) "Freedom of Information and Protection of Privacy Act" or "FOIP Act" means the *Freedom of Information and Protection of Privacy Act*.

Act, Revised Statutes of Alberta 2000, Chapter F-25, and amendments thereto.

- (i) "Historical Value" means the expected use of information to research events or activities that relate to major milestones or the development of the municipality.
- (j) "Legal Value" means the use of the records as evidence of legally enforceable rights or obligations of the municipality and/or those directly affected by municipal programs, services, and operations.
- (k) "Municipal" or "Municipality" means the corporation of the Town of Peace River.
- (l) "Obsolete" means a record that is no longer in use or whose provisions are no longer in effect.
- (m) "Personal Information" means the definition of "personal information" as stated in the FOIP Act.
- (n) "Permanent Record" means information of enduring administrative, legal, financial, or historical value which is retained for the life of the municipality.
- (o) "Record" means the definition of "record" as stated in the FOIP Act.
- (p) "Records Retention and Disposition Index" means a list of records destroyed or transferred to the Peace River Museum, Archives and Mackenzie Centre.
- (q) "Retention Period" means the total length of time a record must be kept before disposition is implemented.
- (r) "Retention Schedule" means the timetable that identifies the retention period during which a record must be retained before disposition.
- (s) "Superseded" means a record that has been replaced because it has become outdated or a new record has been created.
- (t) "Transfer of Municipal Records Policy" means a policy adopted by Council to guide the transfer of municipal records from the municipality to the Peace River Museum, Archives and Mackenzie Centre.
- (u) "Transitory Records" means those records that have no enduring administrative, fiscal, legal or historical value, no legal requirement for retention, and have fulfilled their purpose.

POWERS OF THE CHIEF ADMINISTRATIVE OFFICER

3. The Chief Administrative Officer shall ensure all municipal records are retained or disposed of in accordance to this bylaw.
4. The Chief Administrative Officer shall approve the destruction procedures.
5. The Chief Administrative Officer shall ensure that records are transferred to the Peace River Museum, Archives and Mackenzie Centre in accordance with the Transfer of Municipal Records Policy.

6. The Chief Administrative Officer may transfer records of permanent retention of historical value to the Peace River Museum, Archives and Mackenzie Centre for preservation and public access. The municipality shall retain ownership of these records and will have priority access.

RETENTION AND DISPOSITION

7. The Chief Administrative Officer may authorize the routine destruction of all transitory records after they have served their purpose and without requiring proof of destruction or notation in the Records Retention and Disposition Index.
8. Notwithstanding Section 7 above, the Chief Administrative Officer shall schedule the disposition of all other records which have reached the end of their retention period.
9. When final disposition of records is complete, the Chief Administrative Officer shall note such records in the Records Retention and Disposition Index.
10. The Chief Administrative Officer shall include a Certificate of Destruction or Affidavit attesting to the destruction of records with the Records Retention and Disposition Index.
11. The Chief Administrative Officer shall have the discretion to retain records longer than the period provided for in this bylaw and shall do so where the Chief Administrative Officer deems it appropriate. Such decisions to retain records longer than their retention period shall be recorded in the Records Retention and Disposition Index.
12. Records held by the Peace River Museum, Archives and Mackenzie Centre as part of their permanent collections are excluded from the retention schedule.
13. As required by Section 214(3) the *MGA*, should an individual's personal information be used by the municipality to make a decision that directly affects the individual, the municipality shall retain such personal information for a minimum of one year after using it so that the individual has a reasonable opportunity to obtain access to it.

SCHEDULES

14. Unless otherwise provided for in this bylaw, the retention period for records is set out in Schedule "A", which forms part of this bylaw.

SEVERABILITY

15. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

REPEAL

16. The Preservation and Destruction of Municipal Records Policy No. D-12-1999-01 (previously GGS-12-110.6) is hereby repealed.

EFFECTIVE DATE

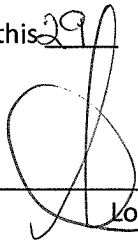
17. This bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 13th day of November, 2012.

READ a second time this 13th day of November, 2012.

READ a third and final time this 8 day of April, 2013.

SIGNED by the Mayor and Chief Administrative Officer this 29
day of April, 2013.



Lorne Mann
Mayor



Kelly Bunn
Chief Administrative Officer

Schedule "A"
Records Retention Schedule

Town of Peace River records, unless otherwise specified in the table below, will be retained the longer of:

- 7 years from the end of the calendar year to which they relate; or
- 7 years after the records are expired, closed or have become superseded or obsolete.

Item / Subject	Description	Retention Period
Accidents/Incidents	Participant or public accident/incident reports (Adults)	11 years Refer to <i>Limitations Act</i> , R.S.A. 2000 and amendments thereto (<i>Limitations Act</i>). (10 years + 1)
	Participant or public accident/incident reports (Minors)	21 years Maximum number of years to age 18 + 3 years. Also refer to <i>Limitations Act</i> .
Agreements	Franchise agreements	Permanent
	Short-term rental agreements for municipal-owned facilities, excluding ongoing user group agreements	3 years after expiry
	Union agreements, letters/memorandums of understanding	Permanent
Annexations	Final order, correspondence and related documents	Permanent
Assessment	Annual assessment roll and year-end assessment roll	Permanent
	Assessment Review Board official notice of decision	Permanent
Bylaws	All bylaws including bylaws that are defeated or rescinded	Permanent
	Bylaw working files: Background information relating to the adoption of a bylaw	Permanent
Capital Projects	Project files related to specific major municipal capital projects (e.g. underground replacements, building additions)	Permanent

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Item / Subject	Description	Retention Period
Cemetery	Burial permits, reserves, plots, and related documentation	Permanent
Census	Final census results of municipal organized censuses	Permanent
Certificate of Incorporation	Municipal incorporation	Permanent
Development / Building	<p>Development and building permits files</p> <p>Files include: applications, permits, site plan approvals, approved drawings, final stamped drawing by accredited Safety Codes Officer; stop work orders, demolition orders; safety codes inspection reports.</p>	Permanent
Elections (municipal)	Campaign Disclosure Statements	<p>3 years after date of next general election if candidate does not file nomination papers</p> <p>Refer to <i>Local Authorities Election Act, R.S.A. 2000</i> and amendments thereto (<i>LAEA</i>) Sections 147.4(1.1) and 147.5(4).</p>
	Nomination Papers; and Ballot Account and Result of Vote	<p>Term of office to which they relate</p> <p>As per to <i>LAEA</i> Section 100(1.1).</p>
	Official Election Results; and Affidavit of Witness for Destruction of Election Materials	Permanent
	Voters Registers; Ballot Box Contents / Ballots; Statement of Scrutineer; Statement of Deputy, Enumerator and Constable; Statement of Interpreter, Incapacitated Elector; Tally Sheets; and any other miscellaneous election forms.	<p>6 weeks from date of vote</p> <p>As per <i>LAEA</i> Section 101.</p>

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Item / Subject	Description	Retention Period
Emergency / Disaster	Incidents that result in activation of the municipal emergency plan, airport emergency plan, or business continuity plan; or that result in claims through the Provincial disaster recovery program	Permanent
	Plans; Includes Municipal Emergency Plan, Airport Emergency Plan, and Business Continuity Plan	11 years after superseded / obsolete
Engineering	As-built drawings/plans for buildings, infrastructure, and underground works; site plan approvals	Permanent
	Stability issues and slides, geotechnical reports	Permanent
Environmental	Airport fuel tank inspection reports, documentation regarding installation, tank specifications, leaks, remediation	Permanent
	Fuel tank sites and documentation relating to leaks or remediation; municipal-owned landfill information and remediation; documents relating to possible land contamination	Permanent
Finance	Audited financial statements and auditor's report	Permanent
	Debenture coupons (certificates) and registers	Permanent
	Final approved capital and operating budgets	Permanent
	Grants applied for by the municipality, and associated documents including agreements, and Statement of Funding Expenditures	10 years after grant approval, providing time-frame in signed agreement has passed
	Documentation relating to tangible capital assets	For life of asset or until sold plus 3 years
Health & Safety	Health & Safety Manual	3 years after superseded / obsolete

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Item / Subject	Description	Retention Period
Health & Safety	Employee incident/ accident reports and investigations	11 years
	Employee Worker's Compensation Board (WCB) file (kept with personnel file)	Permanent
Insurance	Appraisals	Until superseded / obsolete
	Claims	11 years after closure <i>Refer to Limitations Act.</i>
Inter-municipal	Agreements, meeting minutes, memorandums of understanding, documents of long-term impact/significance	Permanent
Investigations	Fire investigation files	11 years
		<i>Refer to Limitations Act.</i>
Legal	Legal proceedings, court cases, judgments, claims	11 years after closure <i>Refer to Limitations Act.</i>
Legal	Opinions	Until superseded / obsolete
Licenses	Business licenses, drinking establishment licenses, taxicab licenses, and taxicab drivers' permits	3 years after business closure
	Operating licenses/approvals for airport, water and wastewater treatment plants	Permanent
Maintenance Records	Building, equipment, vehicles	For life of item or until sold plus 3 years
Minutes	Assessment Review Board	Permanent
	Community Services Board	Permanent
	Council	Permanent
	Joint Health and Safety Committee	Permanent
	Municipal Planning Commission	Permanent
	Museum Board	Permanent
	Subdivision and Development Appeal Board	Permanent

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Item / Subject	Description	Retention Period
Minutes	Council boards and committees, not otherwise listed, to which the municipality holds the original, signed, minutes	Life of the board or committee plus 3 years
Museum	Research requests or researcher forms	2 years
	Donation records, donation ledger, and deaccession records	Permanent
Oaths of Office		11 years after individual vacates position
Personnel	Dated organizational charts	11 years after superseded/obsolete
	Job applications/resumes – not hired	1 year As per FOIP Section 35(b).
Personnel File (employee's)	Employee personnel file File includes: job application/resume, letter of hire, initial payroll setup, benefits registration, training certificates, performance appraisals, disciplinary or complimentary letters, pension records, record of employment, WCB records	Permanent
Plans	Long-term planning/development plans; final version	Permanent
	Strategic, visioning, sustainability, business, master, and communication plans; final version	Permanent
Policies / Directives	Policies adopted by Council or directives signed by CAO	11 years after superseded or revoked
Program registration forms, waivers	Participant forms for municipal programs	11 years Refer to <i>Limitations Act</i> .
Property	Designated manufactured home monthly reports and change reports	Permanent
	Duplicate Certificate of Title	Permanent

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Item / Subject	Description	Retention Period
Property	Expropriation: Correspondence and documents relating to expropriation of lands as per the MGA	Permanent
	Sale deed documents relating to land sold by the municipality	11 years after sale Tax recovery property - refer to MGA Section 428(2).
	Sale deed documents relating to land purchased by the municipality or lands/buildings transferred to the municipality through tax recovery	Permanent until sold by the municipality Tax recovery property - refer to MGA Section 428.2(1).
Property Files	Records relating to specific properties that have a long-term impact or effect on the property. For example, approved Land Use Bylaw variances, development/building permits and plans, location of underground lines, easements, caveats, compliance certificates, and geotechnical reports.	Permanent
Records Retention and Disposition Index		Permanent
Studies	Studies conducted or commissioned by the municipality; final version	Permanent
Subdivision	Final plan from Land Titles and subdivision approval notice	Permanent
Taxation	Tax arrears list and registration notification from Land Titles	Permanent
	Tax levy report	Permanent
	Tax roll trial balance (year-end)	Permanent
Tenders	Unsuccessful	3 years Refer to <i>Limitations Act</i> . (2 years + 1)
Utilities	Documents regarding hydroelectric projects on the Peace River	Permanent

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Item / Subject	Description	Retention Period
Utilities	Location of lines in the municipality such as water, sewer, electric, gas, and telecommunications	Permanent
	Municipal water account customer files; includes application and final meter reading request	For accounts sent to collection agency, until closure of account plus 7 years For non-collection accounts: Renters: until closure of account plus 7 years Owners: until property sold plus 7 years
Water / Wastewater Treatment	Applications, drawings and specifications, approvals, and mandatory monthly and yearly reports to Alberta Environment	Permanent As per Section 1.11.1.2 of Alberta Environment's Standards and Guidelines for Municipal Waterworks, Wastewater and Storm Drainage Systems, Jan 2006
	Operating licenses/approvals	Permanent