

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2023 - 08

BEING A BY-LAW TO ESTABLISH A SCHEDULE OF RETENTION PERIODS FOR RECORDS, DOCUMENTS AND OTHER PAPERS FOR THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

WHEREAS Section 254, of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality shall retain and preserve the records of the Municipality and its local boards in a secure and accessible manner and, if a local board is a local board of more than one municipality, the affected municipalities are jointly responsible for complying with this subsection;

AND WHEREAS Section 255, of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may, subject to the approval of the Municipal Auditor, establish retention periods during which the records of the municipality and local boards of the municipality must be retained and preserved in accordance with Section 254;

NOW THEREFORE BE IT ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN AS FOLLOWS:

1. This By-law maybe be referred to as **"The Retention By-law"**

2. **DEFINITIONS**

"Auditor" means the person or firm appointed by the Council of the Municipality of Magnetawan from time to time to perform the annual audit of the records;

"Clerk" means the Municipal Clerk or their designate(s);

"Destroy" means the process of eliminating or deleting data, documents and records so that the recorded information no longer exists;

"Municipal Record(s)" means recorded information in any format or medium that documents the municipality's business activities, rights, obligations or responsibilities or recorded information that was created, received, distributed, or maintained by the municipality in compliance with a legal obligation;

"Record(s)" also known as **"Files"** as defined in the *Municipal Act* means information, however recorded, or stored, whether in printed form, on film, by electronic means or otherwise, including documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs, film, architectural drawings, email, machine readable records, and any other documentary material regardless of physical form or characteristics, and including "official records" and "transitory records";

"Retention Schedule" means a control document that describes the municipality's records at a series level and indicates the length of time that each series shall be retained before its final disposition. It specifies those records to be preserve for their archival or legal values and authorizes on a continuing basis the destruction of the remaining records after the lapse of a specified retention period or the occurrence of specified actions or events. Records retention schedules serve as the legal authorization for the disposal of the municipality's records;

"Transitory Records" means records kept solely for convenience of reference and of limited value in documentation the planning or implementation of Municipal Policy or programs such as:

- a) Copies of miscellaneous notices or memoranda concerning routine administrative matters or other minor issues;
- b) Information copies of widely distributed materials, such as minutes, agendas and newsletters, unless the information copy has been annotated to reflect significant input or for other program purposes;
- c) Preliminary drafts of letters, memoranda or reports and other informal notes which do not represent significant steps in the preparation of a final document and which do not record decisions;
- d) Duplicate copies of documents in the same medium which are retained only for convenience or future distribution;
- e) Voice mail messages;
- f) Email messages and other communications that do not relate to Municipal business;
- g) Copies of publications, such as, published reports, administration manuals, telephone directories, catalogues, pamphlets or periodicals;
- h) Duplicate stocks of obsolete publications, pamphlets or blank forms;
- i) Unsolicited advertising materials, including brochures, municipal profiles and price lists.

3. RETENTION SCHEDULE

- a) The retention periods for the records of the Municipality of Magnetawan are stated in Schedule "A" which forms part of this By-law.
- b) The Clerk is responsible for administering this By-law and will ensure that the retention periods set out in Schedule 'A' attached hereto comply with all relevant legal requirements for records retention.

4. EMPLOYEE RESPONSIBILITIES

- a) All Municipal employees who create, work with, or manage records, will:
 - i. Comply with the retention periods as specified in Schedule "A" attached hereto;
 - ii. Ensure that official records in their custody or control are protected from inadvertent destruction or damage; and
 - iii. Ensure the transitory records in their custody or control are destroyed when they are no longer needed for short-term reference.

5. That the Clerk of the Municipality of Magnetawan is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the By-law and Schedule(s) as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law;

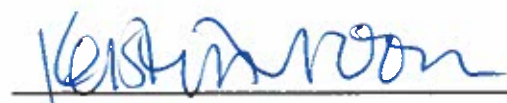
6. By-law 2007-29 and any previously conflicting By-laws are hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 15th day of February 2023.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
SCHEDULE "A" TO BY-LAW 2023- 08

RECORDS RETENTION SCHEDULE

If the record is not included in Schedule "A" it is considered to be a Transitory Record

| CLERK'S RECORDS | YEARS TO BE RETAINED |
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| Accessibility of Services (includes records relating to the accessibility of Municipal buildings, services, and information to disabled persons) | Seven (7) years |
| Agreements (if not part of a By-law, after completion) | Seven (7) years |
| Animal Control Files | Seven (7) years |
| Appointments | Seven (7) years |
| Committee Minutes (including Rough Notes) | Seven (7) years |
| Contracts (if not a part of a By-law, after completion) | Seven (7) years |
| Correspondence (General) | Seven (7) years |
| Election Records (includes returned notices, lists of official, voters list, nominations, election results, preliminary voters lists and advertising) | As per the <i>Elections Act</i> |
| Election Records Councillor and Candidates (includes financial forms, nomination records and oaths taken by Council members) | As per the <i>Elections Act</i> |
| Fence Viewers Awards and Files | Seven (7) years |
| Insurance Records (including claims, after expiry) | Seven (7) years |
| Licenses (Applications, after expiry) | Seven (7) years |
| Livestock Affidavits | Seven (7) years |
| Local Improvement Appeals and Notices (after Debenture finished) | Seven (7) years |
| O.H.R.P. Agreements | Destroyed After Loan Paid in Full |
| Petitions (Unless included in the Agenda Package) | Seven (7) years |
| Proposal, Quotations, Tender Files (Successful) | Seven (7) years |
| Proposal, Quotations, Tender Files (Unsuccessful) | Two (2) years |
| Agenda Packages (for Council and the Committees of Council) | Permanent |
| Annexation/Amalgamation Files (includes all records pertaining to the annexing and amalgamating of land adjacent to Municipal Lands to accommodate growth. Also includes amalgamation of the Municipality) | Permanent |
| Applications to Province | Permanent |
| Assessment Roll | Permanent |
| By-laws (Original) | Permanent |
| Cemetery Records (including Burial Permits, maps plot ownership records, interment registers, indexes, cemetery board documentation and related records to the property) | Permanent |
| Civic/911 Addressing (includes records regarding requests for and assignment of new subdivision road dedications and other street names and numbers. May include correspondence, reports, drawing and copies of related By-laws) | Permanent |
| CLERK'S RECORDS | YEARS TO BE RETAINED |
| Leases (after expiration and if not part of a By-law) | Seven (7) years after the completion of the lease |
| Resolutions (includes resolutions from Council and Committees of Council) | Seven (7) years |
| Consents (includes records regarding the granting of severances to parcels of land including applications for severance and surveys) | Permanent |
| Court of Revision Records | Permanent |
| Deeds (if not part of a By-law) | Permanent |

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| Easements (if not part of a By-law includes all records on Right of Ways and Easements concerning Municipal Ownership of private lands) | Permanent |
| CLERK'S RECORDS | YEARS TO BE RETAINED |
| Encroachments (includes all records regarding private properties encroaching on Municipal lands. Also includes surveys and any other related documentation) | Permanent |
| Facilities Construction and Renovations (includes records for the Planning and construction of Municipal facilities, site meetings, consultant reports and cost reports. Also includes architectural and engineering drawings) | Permanent |
| Ministry of the Environment (MOE) Certificates (includes records and correspondence relating to the Ministry of Environment and impacting the Municipality of Magnetawan) | Permanent |
| Minor Variances (includes the records related to the granting of minor variances to the Zoning By-law by the committee of adjustment) | Permanent |
| Minutes (Council Open and Closed) | Permanent |
| Notice of Change of Land Titles (if not part of a By-law) | Permanent |
| Official Plans (includes the official plan and amendments to the official plan, background reports, notes, and research, Also includes secondary plans and amendments, containing detailing objectives and policies concerning the planning, development, and specific redevelopment) | Permanent |
| Real Estate Files (if not part of a By-law) | Permanent |
| Site Plan Approval (Agreements and Applications) | Permanent |
| Subdivision Plans and Files | Permanent |
| Vital Statistics (includes registers of birth, death, and marriages within the Municipality) | Permanent |
| Zoning By-law (Amendment and Applications includes records regarding the granting of amendments to the Zoning By-law) | Permanent |
| FINANCIAL RECORDS | YEARS TO BE RETAINED |
| Account Receivable Ledger Cards | Seven (7) years |
| Bank Reconciliations | Seven (7) years |
| Bank Statements | Seven (7) years |
| Cash Books | Seven (7) years |
| Cash Payment Journal | Seven (7) years |
| Cheque Register | Seven (7) years |
| Cheque Stubs | Seven (7) years |
| Correspondence (General) | Seven (7) years |
| Debenture Register | Seven (7) years |
| Debenture Summaries | Seven (7) years |
| Debenture Working Papers | Seven (7) years |
| Deposit Book (Pass) | Seven (7) years |
| Deposit Slips | Seven (7) years |
| FINANCIAL RECORDS | YEARS TO BE RETAINED |
| Final Budgets (Operating and Capital) | Seven (7) years |
| Final Tax Billing | Seven (7) years |
| General Journal | Seven (7) years |
| Government Remittances | Seven (7) years |
| Investment Files | Seven (7) years after end of investment |
| Mortgage Lists | One (1) year |
| Municipal Tax Credits | Seven (7) years |
| Paid Accounts Summary Sheet | Seven (7) years |
| Paid (Cancelled) Cheques | Seven (7) years |
| Paid Debenture and Coupons (upon maturity) | Seven (7) years |
| Paid Invoices | Seven (7) years |

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| Payroll Journal Register | Seven (7) years |
| Payroll Remittances | Seven (7) years |
| Petty Cash Vouchers | Seven (7) years |
| Posting and Distribution Journals | Seven (7) years |
| FINANCIAL RECORDS | YEARS TO BE RETAINED |
| Receipt Books | Seven (7) years |
| School Tax Credits | Seven (7) years |
| Subsidy and Tax Application Forms | Seven (7) years |
| Tax Arrears Listing | Seven (7) years |
| Tax Assistance Adjustment | Seven (7) years |
| Tax Collectors Certificate | Seven (7) years |
| Tax Receipts | Seven (7) years |
| Assets (includes the records regarding current and fixed assets, including inventories as well as records of initial expenditure, depreciation, amortization, and disposal) | Permanent |
| Assessment Review Board (includes records relating to Requests for Consideration, Tax Credit Records, Assessment Review Board decisions, etc.) | Permanent |
| Audited Financial Statements | Permanent |
| General Ledger | Permanent |
| Tax Roll and Records (includes taxation records of long-term importance, such as assessment rolls, tax sale records, tax sale deeds, property tax registrations and tax ledgers) | Permanent |
| HUMAN RESOURCES/PERSONNEL RECORDS | YEARS TO BE RETAINED |
| Bi-weekly Payroll Summary | Seven (7) years |
| Employees Income Tax Deductions | Seven (7) years |
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| Garnishees (re: employees) | Seven (7) years |
| Medical Files | Seven (7) years |
| Overtime Sheets | Seven (7) years |
| Sick Leave | Seven (7) years |
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| TD-1 Forms | Upon replacement |
| Timecards | Seven (7) years |
| Time Distribution Sheets | Seven (7) years |
| Time Sheets (Daily and Weekly) | Seven (7) years |
| U.I.C Records | Seven (7) years |
| HUMAN RESOURCES/PERSONNEL RECORDS | YEARS TO BE RETAINED |
| Disability Management (AODA) (includes all records related to AODA, accessibility standards, complying with standard, municipal accessibility, and Human Rights Code) | Permanent |
| Employees Personal History Files (including ROE's) | Permanent |
| Grievances/Harassment/Violence (includes records detailing with grievance, harassment and/or violence complaints by or against employees of the Municipality. It includes documents such as the complaint, investigation, reports, and final resolution) | Permanent |
| Health and Safety (includes records regarding the occupational health and safety of Staff. Includes accident reports, WSIB reports and information on Health and Safety Programs for Staff) | Permanent |
| Labour Relations – Employment Management (includes records regarding the relationship between labour and management. Includes collective bargaining, correspondence with unions and negotiations) | Permanent |
| Pension Records -OMERS (includes records detailing obligations to individuals under OMERS, includes pension information of retired personnel, including registration and records) | Permanent |
| Salary Planning – Pay Equity (includes records regarding the planning and scheduling of salaries, such as job evaluations, job | Permanent |

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| classification systems, salary surveys and schedules. Also includes any reference material retained regarding issues related to pay equity) | |
| T-4 (Slips and Summaries) | Permanent |
| W.S.I.B. Forms | Permanent |
| LEGAL RECORDS | YEARS TO BE RETAINED |
| Appeals and Hearings (includes all transcripts and related documentation regarding appeals, hearings, and legal proceedings. Includes final judgements. Includes zoning appeals, official plan appeals, and Committee of Adjustment appeals. Also includes orders issued by the Ontario Municipal Board (OMB), regulatory bodies and boards) | Permanent |
| By-Law Enforcement (includes records of municipal efforts to enforce by-laws such as order to comply, stop work order, working notes, correspondence, exhibits photographs etc.) | Permanent |
| Building and Structural Inspections (includes inspection reports such as building, plumbing, fire prevention and other structural inspections) | Permanent |
| Building Permits (includes permits issued to builders, contractors and residents giving them permission to build, renovate or demolish. Original permits to be filed with the tax roll file. Plans/Drawings may be filed separately with Code P10) | Permanent |
| Court Cases Claims Against The and Claims By the Municipality (includes all litigation made by other parties against the Municipality and all litigation made against other parties by the Municipality. Includes insurance claims and by-law enforcement and prosecution) | Permanent |
| Exchange of Land Files | Permanent |
| Heritage Preservation (includes records regarding heritage and historical development, includes the designations of building, districts, and cemeteries) | Permanent |
| LEGAL RECORDS | YEARS TO BE RETAINED |
| Land Acquisition and Sale (includes records regarding real estate transaction and conveyance of land whether through voluntary transactions or expropriation. Includes leases, deeds and expropriation plans, purchase letters and appraisals) | Permanent |
| Land Tribunal Notices of Decision (LPAT) | Permanent |
| Local Improvement Files (s.22, <i>Local Improvement Act</i>) | Permanent |
| Municipal Emergency Response (includes records of response issued by the Municipal, Provincial, or Federal Government associated with non-declared and declared emergencies, Records may include incident reports, status reports, situation reports, action plans, position logs, maps, resource requests and tracking, and event and status boards. Records of particularity significant community emergencies such as infectious diseases, natural disasters, and environment exercises) | Permanent |
| Road Closing Files (includes all records regarding the sale or granting of municipal shore road or road allowances) | Permanent |
| Statement of Claims | Permanent |
| Writs | Permanent |
| PUBLIC WORKS RECORDS | YEARS TO BE RETAINED |
| Contract Files (upon completion of contract) | Seven (7) years |
| Equipment Distribution Sheets | Seven (7) years |
| Fuel Tickets | Seven (7) years |
| Gravel Tickets | Seven (7) years |
| Material Distribution Sheets | Seven (7) years |
| Monthly Road Reports | Seven (7) years |
| Public Works Contract Forms | Seven (7) years |

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| Truck Hire (Time Reports and Summaries) | Seven (7) years |
| Vehicle Distribution Sheets | Seven (7) years |
| Weed Control Reports (until updated) | Seven (7) years |
| Bridges (includes estimates, studies, and other records regarding projects specifically for bridge construction, repairs, maintenance, and replacement) | Permanent |
| PUBLIC WORKS RECORDS | YEARS TO BE RETAINED |
| Contaminated Sites (includes site records and information on properties withing the municipality with contaminated soil/sites) | Permanent |
| Hazardous Materials (includes information and reports on chemical and substances that pose fire hazards. Also include records dealing with toxic substances control, transportation, and effects, May include HAZMAT information) | Permanent |
| Landfill Monitoring (includes the consulting, monitoring surveys, and annual reports to MOECC) | Permanent |
| Road Construction Records (after completion includes records and studies regarding construction projects on roads. Includes the construction of new roads and major improvement s to existing roads, such as resurfacing, widening, bridges, road study, etc.) | Permanent |
| Road Design and Planning (includes estimates, studies and other records regarding the design and planning of specific road construction projects. Also includes design of curbs, sidewalks, cycle ways, footpaths, etc. Includes MTO and Highway 11 expansion records) | Permanent |
| Waste Management – Property File (includes all building permits, project notes, MOECC ECA Applications, MOECC ECA Approvals, documents, and related correspondence) | Permanent |