



Fisheries and  
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Ms. Maureen Cudmore, CAO  
Rural Municipality of Brackley  
14 Union Road,  
Brackely PE C1E 3I6

July 21, 2020

Dear Maureen,

I wish to acknowledge receipt of the following bylaw:

- Manage and Dispose of Records Bylaw (Bylaw #2020-01, adopted April 1<sup>st</sup>, 2020)

A copy of the above noted bylaw has been filed in accordance with the *Municipal Government Act*, s.129. Enclosed is the filed bylaw.

Please be advised that it is the responsibility of the municipality passing a bylaw to both ensure that the subject area covered by the bylaw is within the jurisdiction of the municipality and that the procedures for the passage of a bylaw under the *Municipal Government Act* have been complied with.

Please feel free to contact me should you have any questions regarding this matter.

Regards,

Tracey Allen  
Senior Municipal Advisor, Municipal Affairs  
(902) 218-4179

Encl.

**Rural Municipality of Brackley, PEI**  
**A Bylaw to Manage and Dispose of Records**  
**Bylaw # 2020-01**

**BE IT ENACTED by the Council of the Rural Municipality of Brackley 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 Brackley.
- (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. Repeal of Existing Bylaw – NA.**

#### **14. Effective Date**

- (1) This Records Retention Bylaw, Bylaw# 2020-01, shall be effective on April 1, 2020.

#### **First Reading:**

This Records Retention Bylaw, Bylaw# 2020-01, was read a first time at the Council meeting held on the 19th day of February, 2020.

This Records Retention Bylaw, Bylaw# 2020-01, was approved by a majority of Council members present at the Council meeting held on the 19th day of February, 2020.

#### **Second Reading:**

This Records Retention Bylaw, Bylaw# 2020-01, was read a second time at the Council meeting held on the 2<sup>nd</sup> day of March, 2020.

This Records Retention Bylaw, Bylaw# 2020-01, was approved by a majority of Council members present at the Council meeting held on the 2<sup>nd</sup> day of March, 2020.

**Approval and Adoption by Council:**

This Records Retention Bylaw, Bylaw# 2020-01, was adopted by a majority of Council members present at the Council meeting held on the 2nd day of March, 2020.

**15. Signatures**

**Mayor**

**Chief Administrative Officer**

This Records Retention Bylaw adopted by the Council of the Rural Municipality of Brackley on the 2nd day of March, 2020 is certified to be a true copy.

**Chief Administrative Officer Signature**

**Date**

Filed on behalf of the Minister of Fisheries and Communities in accordance with s.129 of the *Municipal Government Act*.

**Note:** This Schedule forms part of the 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. 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
<b>Accountants</b>	Working Papers	7	FY
<b>Accounts</b>	Paid (summary sheet)	7	FY
	Payable vouchers	7	FY
	Receivable duplicate invoices	7	FY
<b>Administration</b>	Reports (not part of Minutes)	7	CY
<b>Advertising</b>	Electoral	4	CY
	Other notices- MGA, other legislation	2	CY
<b>Agendas</b>	Part of Minutes	PERMANENT	
<b>Agreement</b>	General	12	S/O
	Development	12	S/O
	Major legal	12	S/O
	Minor legal	12	S/O
<b>Annexations</b>	Correspondence	7	CY
	Final Order	PERMANENT	
<b>Annual Reports</b>	Council, Boards, Commissions	5	CY
<b>Applications</b>	Site plan approval	2	CY
	Subdivision (after final approval)	3	CY
	Part-time employees (after end of employment)	1	CY
<b>Appointments</b>	Other than those in Minutes	3	FY
<b>Assessment</b>	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
<b>Assessment Appeal</b>	Board file	5	FY
<b>Assets</b>	Asset Management Inventory	20	S/O
	Records of surplus	7	FY
	Temporary files	2	FY
<b>Bank</b>	Deposit books	7	FY

	Deposit slips	7	FY
	Memos (credit/debit)	7	FY
	Reconciliations	2	FY
	Statements	7	FY
<b>Boards</b>	Minutes	PERMANENT	S/O
	Authority & Structure	5	CY
	Correspondence	5	CY
<b>Briefings/Reports</b>	To Council	7	CY
<b>Budgets</b>	Operating (in minutes)	PERMANENT	
	Capital (in minutes)	PERMANENT	
	Working papers	3	FY
<b>Bylaws</b>	All	PERMANENT	
<b>Cash</b>	Receipts journal	7	FY
	Disbursements journal	7	FY
	Duplicate receipts	7	FY
<b>Certificates</b>	Of Title	PERMANENT	
<b>Census</b>	Reports	12	CY
<b>Cheques</b>	Cancelled (paid)	7	FY
	Register	7	FY
	Stubs	7	FY
<b>Claims</b>	Notice of	12	S/O
	Statements of	12	S/O
<b>Committee</b>	Minutes	PERMANENT	
<b>Compensation</b>	Records	10	FY
<b>Contracts</b>	Files (completion of)	12	S/O
	Forms	12	FY
	Major legal	12	S/O
	Minor legal	12	S/O
<b>Council</b>	Minutes	PERMANENT	
<b>Court Cases</b>		12	S/O
<b>Destroyed Records</b>	Index	PERMANENT	
	Signed destroyed records statements	PERMANENT	
<b>Documents</b>	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
<b>Elections</b>	All election documents other than ballot box contents	4	CY
	Ballot box contents	In accordance with the MGA	CY

<b>Engineering</b>	Drawings	PERMANENT	
<b>Employee Benefits</b>	Health, Dental, WCB Claims, etc.	5	CY
<b>Employees</b>	Job applications (hired)	3	CY
	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
<b>Financial Statements</b>	Interim	10	FY
	Working papers	7	FY
	Final	12	FY
<b>Franchises</b>		PERMANENT	
<b>Income Tax</b>	Deductions	7	FY
	TD1	7	FY
	T4	7	FY
	T4 Summaries	7	FY
<b>Inquiries</b>	From the public	3	CY
<b>Insurance</b>	Claims	12 (after settled)	FY
	Records (after expiration)	12	FY
<b>Land</b>	Appraisals	1 (after sold)	
<b>Leases</b>	After expiration	7	S/O
<b>Legal</b>	Opinions	12	S/O
	Proceedings	12	S/O
<b>Legislation</b>	Acts (after superseded)	1	CY
<b>Licenses</b>	Applications	3	CY
	Business (after expired)	5	CY
	Literature	2	CY
<b>Local Improvements</b>	Records	PERMANENT	
<b>Maps</b>	Base (original)	PERMANENT	
	Contour	PERMANENT	
<b>Maintenance Reports</b>		12	CY
<b>Minutes</b>	Council	PERMANENT	
	Boards	PERMANENT	
	Committees	PERMANENT	
<b>Monthly Reports</b>	Road	5	FY
<b>Municipal Affairs</b>	Annual reports	5	FY
	Structure and records	2	S/O
<b>Organization</b>			
<b>Payroll</b>	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 - Overtime	7	FY
	Time sheets - weekly	7	FY
	Employment Insurance	5 (after cessation of employment)	FY
<b>Permits</b>	Development	12	S/O
<b>Petitions</b>		10	CY
<b>Plans</b>	Official	PERMANENT	
	Amendments	PERMANENT	
	Subdivision	PERMANENT	
<b>Policy</b>	After superseded	5	CY
<b>Progress Reports</b>	Project	5	CY
	Under contract (final payment)	7	S/O
<b>Property Files</b>		Until sold +10	FY
<b>Prosecution</b>	All	12	S/O
<b>Publications</b>	Local reports	3	CY
<b>Purchase</b>	Land	Until Sold +12	FY
<b>Receipts</b>	Books	7	FY
	Duplicate cash	7	FY
	Registration	7	FY
<b>Receptions &amp; Special Events (non-historic)</b>		3	CY
<b>Reports</b>	Accident	12	S/O
	Accident statistics	12	S/O
	Field	12	S/O
<b>Requisitions</b>	Copies	2	FY
	Duplicate	7	FY
	Paid	7	FY
<b>Resolutions</b>	Minutes	PERMANENT	
<b>Subdivision</b>	After Final Approval	12	CY
<b>Street</b>	Sign Inventory Register	PERMANENT	
<b>Tax Recovery</b>	Records	PERMANENT	
<b>Taxes</b>	Arrears	7	FY
	Final Billing	12	FY
	Municipal Credits	7	FY
	Receipts	7	FY
	Rolls	PERMANENT	
	Sale Deeds	PERMANENT	
<b>Termination</b>	Employees	7	CY
<b>Tenders</b>	Files	12	FY
	Successful	12	FY
	Purchase Quotations	12	FY
	Unsuccessful	10	FY

<b>Traffic</b>	Streets	7	CY
<b>Training and Development Files</b>		5	CY
<b>Trial Balances</b>	Monthly	5	FY
	Year End	7	FY
<b>Vendors</b>	Acknowledgments To	2	FY
	Contracts	12	FY
	Suppliers Files	12	FY
<b>Vouchers</b>	Duplicate	7	FY
<b>Weed Control Reports</b>	Until updated	1	CY
<b>Zoning</b>	Bylaws	PERMANENT	
	Bylaw Enforcement	5	CY