

## **Municipality Of Chatham-Kent**

### **Corporate Services**

#### **Municipal Governance**

**To:** Mayor and Members of Council  
**From:** Paul Peltier, Archivist Assistant  
**Date:** November 30, 2020  
**Subject:** Records Retention By-law

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#### **Recommendations**

It is recommended that:

1. A by-law to retain and preserve the records of the municipality and its local boards in a secure and accessible manner, be approved.
2. By-law 5-2018, a by-law to establish schedules of retention periods during which receipts vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or its local boards, be repealed.

#### **Background**

The Ontario Municipal Records Management System (TOMRMS) was selected in 1999 after amalgamation to fulfil the requirements of the records retention for the Municipality of Chatham-Kent.

This system is a file classification scheme and retention schedule that organizes all of the Municipality's administrative files in a logical alphanumeric system. TOMRMS is used in numerous municipalities within the Province of Ontario and has proven itself to be an effective system for management of records.

#### **Comments**

The proposed schedule is based on legal, regulatory, audit and administrative requirements. It provides a standard user-friendly document that can be implemented across all departments within the Municipality. It not only identifies appropriate retention periods, but it also serves the following purposes:

- a) Identifies the department responsible for maintaining the original or official record
- b) Guides the user to how long to keep files and records in the office
- c) Allows the user know which records should be sent to inactive storage, when, and for how long; and

- d) Cites the applicable legal requirements.

A full copy of the retention schedule and the citation table is attached with the by-law (Appendix A).

Quarterly review of legislation by a firm known as *The Information Professionals* occurs. The president, Nina Beck, utilizes a Carswell product called *FileLaw*, as the base of the system. The limitation periods and legislative references in *FileLaw* are reviewed and researched by the firm to confirm accuracy and to tailor for municipal records.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendations in this report support the following areas of strategic focus:

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources

The recommendations in this report support the following critical success factors:

- Financial Sustainability:  
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- Open, Transparent and Effective Governance:  
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

**Consultation**

Legal Services and Executive Assistants have reviewed the Appendix A to ensure all retention periods met legislation.

The Executive Assistants were presented with the updated retention schedule and citation table.

**Financial Implications**

There is no financial implications with regard to the passing of this by-law.

Prepared by:

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Paul Peltier  
Archivist Assistant, Municipal Governance

Prepared by:

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Judy Smith, CMO  
Director, Municipal Governance/Clerk

Reviewed by:

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Cathy Hoffman, MPA, CHRL  
General Manager, Corporate Services/  
Chief Human Resource Officer

Consulted and confirmed the content of the consultation section of the report by:

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Nicholas Loeb  
Solicitor, Legal Services

Attachments (1)

1. Appendix A: By-law and Retention Schedule

c. Solicitor, Legal Services

By-law Number  
Of The Corporation of the  
Municipality of Chatham-Kent

A By-law to retain and preserve the records of the municipality and its local  
boards in a secure and accessible manner.

FINALLY PASSED the    day of

Whereas Section 254 (1) of the Municipal Act, 2001 (S.O. 2001, c.25) and amendments thereto provides that a municipality shall retain and preserve the records of the municipality and its local boards in a secure and accessible manner.

And Whereas it is deemed expedient to establish schedules of retention periods for the records of the municipality.

And Whereas the retention period shall be those set out in the schedules attached hereto.

Now Therefore the Municipal Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

1. That the retention periods during which municipal records shall be retained and the same are hereby established in Schedule "A", attached hereto and forming part of this by-law.
2. That for the purpose of this by-law, "year" shall be deemed to mean the calendar year commencing January 1<sup>st</sup> and terminating on December 31<sup>st</sup>.
3. That for the purpose of calculating the period of retention within this by-law, the period of retention shall be deemed to commence on the first day of January next following the passage of this by-law.
4. That the Clerk or her designate shall satisfy themselves that the period of retention established by by-law has expired, and that no reason exists for further retention, and may then order documents to be destroyed in accordance with the retention period set out in the schedule attached hereto and forming part of this by-law.
5. That by-law 5-2018 be repealed.

Read a First, Second and Third time this    day of

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MAYOR – Darrin Canniff

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CLERK – Judy Smith