

THE CORPORATION OF THE COUNTY OF LAMBTON

BY-LAW NO. 1 OF 2014

**"A By-Law to Provide for the Classification,
Retention & Destruction of Records and the
Delegation of Authority for Establishing or Amending
Retention Periods to the County Clerk of
The Corporation of the County of Lambton"**

WHEREAS subsection 255(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (hereinafter "*Municipal Act, 2001*") provides that except as otherwise provided, a record of a Municipality or local board may only be destroyed in accordance with this section;

AND WHEREAS Section 254(1) of the *Municipal Act, 2001* as amended requires the Municipality to retain and preserve the records of at Municipality and local boards in a secure & accessible manner;

AND WHEREAS subsection 255(2) of the *Municipal Act, 2001* provides that a record of a Municipality may be destroyed if a retention period for the record has been established under this section and:

1. the retention period has expired; or
2. the record is a copy of the original record;

AND WHEREAS subsection 255(3) of the *Municipal Act, 2001* 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;

AND WHEREAS section 23.1(1) of the *Municipal Act, 2001* authorizes a Municipality to delegate its powers and duties to a person;

AND WHEREAS s. 228(4) of the *Act* allows a Municipal Clerk to delegate in writing any of the Clerk's powers or duties;

AND WHEREAS the Council of The Corporation of the County of Lambton adopted By-Law No. 32 of 2004, being 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 Corporation of the County of Lambton (hereinafter "The Corporation");

AND WHEREAS the Council of The Corporation of the County of Lambton deems it expedient to repeal By-Law No. 32 of 2004 as amended by By-Laws 30 of 2006, 46 of 2008, 3 of 2010 and 43 of 2010, and grant the County Clerk or Clerk's designate delegated authority to establish and amend the retention schedule for the records of The Corporation, subject to the approval of the County's External Auditor;

NOW THEREFORE the Council of The Corporation of the County of Lambton enacts as follows:

1. That for ease of reference, this By-Law will be referred to as the Records Retention By-Law.
2. That authority for establishing and amending retention periods for the records of The Corporation shall be delegated to the County Clerk or Clerk's designate subject to the approval of the County's External Auditor.
3. That the retention periods for all records as stipulated in Schedule "A", attached hereto and forming part of this By-Law are hereby adopted.
4. That any records set out in Schedule "A" may be destroyed after the prescribed retention period for each record.
5. That for the purpose of this By-Law, "year" shall be deemed to mean the calendar year commencing on January 1st and terminating on December 31st.
6. That for 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.

7. That the Clerk or Clerk's designate shall satisfy him/herself 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 schedules attached hereto and forming part of this By-Law.
8. That this By-Law shall come into force and effect on the day it receives the approval of the auditor of The Corporation.
9. That By-Law No. 32 of 2004 as amended by By-Law(s) 30 of 2006, 46 of 2008, 3 of 2010 and 43 of 2010 is hereby repealed.

PASSED on the provisional approval of the County's External Auditor this 12th day of February, 2014.

Todd Case
Warden

David Cribbs
Clerk

Pursuant to s. 255 of the *Municipal Act, 2001*, By-Law No. 1 of 2014, passed by the Council of The Corporation of the County of Lambton, is hereby signed by the Municipality's auditor. Dated this day of February 2014.

Signed by BDO Canada LLP