



REPORT

To: ONE Joint Investment Board
From: Jason Hagan, Program Manager
Date: February 28, 2024
Re: ONE JIB Records Retention By-law
Report: ONE JIB 2024-005

1. RECOMMENDATIONS

It is recommended that the Board:

1. Enact a Records Retention By-law for the establishment of retention periods for ONE JIB records.

2. SUMMARY

ONE Investment staff seeks the Board's approval for the enactment of a new ONE JIB Records Retention By-law that prescribes retention periods for ONE JIB records. This by-law includes a delegation to allow for the ONE JIB Board Secretary, in consultation with the appropriate officials of ONE Investment, to establish procedures for the retention and disposition of the Board's records and establish and amend classes of records and retention periods.

3. BACKGROUND

ONE JIB is a local board of each of the Participating Municipalities

ONE JIB is a local board of each of the Participating Municipalities within the meaning of the *Municipal Act* ("the Act"). Under Section 254 of the Act, the Participating Municipalities are jointly responsible for retaining and preserving the records of a local board such as ONE JIB in a secure and accessible manner.

The Act provides that the records of a local board such as ONE JIB may be destroyed if a retention period for a particular record has been established and the retention period has expired (or if the record is a copy of the original record). This is the same provision of the Act that applies to the Participating Municipalities, all of which have different Records Retention By-laws that apply to their municipal records.

4. ANALYSIS

The proposed by-law for ONE JIB sets out a Records Retention Schedule prescribing retention periods for ONE JIB records

ONE JIB is a local board of more than one municipality under s. 255(4) of the Act. As such, a majority of the Participating Municipalities as “affected municipalities” under the Act may establish retention periods during which the records of the local board must be retained and preserved in a secure and accessible manner.

To achieve this requirement, ONE Investment staff has prepared a by-law for ONE JIB that includes a Records Retention Schedule prescribing retention periods for ONE JIB records. The by-law is similar to the ones passed by municipal councils, and more particularly that passed by the council of The Regional Municipality of York in June 2023. The Records Retention Schedule was created by mapping all ONE JIB decisions since its inception in May 2020 to AMO’s Records Retention Policy, dated November 2023, making the necessary modifications, and applying retention periods in conjunction with AMO’s Manager of Information Services. AMO’s policy has been used since ONE Investment staff operate under the AMO umbrella. The by-law applies to both paper and electronic records but all of ONE JIB records are in electronic form. A by-law is required to authorize ONE Investment staff to destroy applicable ONE JIB records in a timely fashion.

The proposed by-law provides a delegation to the Board Secretary to establish procedures for the retention and disposition of ONE JIB records

The draft by-law provides for a delegation to allow for the Board Secretary, in consultation with the appropriate officials of ONE Investment, to establish and amend records classifications (i.e. folder structures) and retention periods. The delegation also includes establishing procedures for the retention and disposition of the Board’s records, including but not limited to the establishment of archival appraisal and selection criteria, taking into consideration the legal, financial, operational, and historical value of the records. This is consistent with recent practice in some municipalities, including Barrie, Vaughan, Richmond Hill and York Region.

The purpose of this delegation, when approved by the Participating Municipalities, is to avoid ONE Investment having to return to the councils of the Participating Municipalities in the future for records retention-related changes that are administrative in nature and do not affect the Participating Municipalities.

Through consultation with the Board’s Legal Counsel, it has been determined that the Board must pass the Records Retention By-law, but it will only be effective after the Participating Municipalities have approved the Records Retention By-law and the delegation to the Board Secretary of the necessary powers and duties to deal with the records of ONE JIB.

For new ONE JIB Participating Municipalities, approval will be included in a new form of Authorizing By-law.

ONE Investment staff met with Participating Municipalities to discuss the required action

ONE Investment staff met with staff of the Participating Municipalities on January 23 to provide them with an overview of the proposed ONE JIB Records Retention By-law and the request for a delegation of authority to the Board Secretary. Staff of the Participating Municipalities have been provided with a template report and by-law to support the request for approval by their Council of the ONE JIB by-law. The Participating Municipalities were requested to provide ONE Investment with confirmations by April 16, 2024. ONE Investment staff will subsequently advise the Board of the status of these confirmations.

5. CONCLUSION

ONE JIB is demonstrating a commitment to good governance and continuous improvement by establishing retention periods during which ONE JIB records will be retained and preserved in a secure and accessible manner, as required under the Act.

ATTACHMENTS

Attachment 1: ONE JIB Draft Records Retention By-law

Attachment 2: ONE JIB Records Retention Schedule A

Drafted by: Jason Hagan, Program Manager, Denis Kelly, Board Secretary and Jennie Song, Board Coordinator

Approved by: Judy Dezell and Donna Herridge, Co-Presidents/CEO