SUBJECT: Records Use/Transfer Agreement with the Dundas Historical Society Museum (CL09001) (Ward 13)

RECOMMENDATION:

a) That the City of Hamilton enter into a Records Use/Transfer Agreement with the Dundas Historical Society Museum to preserve the archival records of the former Town of Dundas.

b) That Council adopt a by-law authorizing the Mayor and Clerk to sign the Records Use/Transfer Agreement attached as Appendix “A” to this report.

Kevin C. Christenson
City Clerk
Corporate Services

EXECUTIVE SUMMARY:

The purpose of this report is to introduce a Records Use/Transfer Agreement between the City of Hamilton and the Dundas Historical Society Museum for the preservation of archival records of the former Town of Dundas. The agreement allows the Dundas Historical Society Museum to hold, preserve and allow public access, in accordance with the Provincial legislation, to the former Town of Dundas archival records in an effort to maintain Dundas heritage and keep the records in the local community of Dundas.
BACKGROUND:

According to the provision of the Municipal Act, a municipality is responsible for retaining and preserving its records in a secure and accessible manner and in doing so may enter into an agreement with a local, regional or university archives for archival services. Records transferred to such an archives remain under the ownership of the municipality.

ANALYSIS/RATIONALE:

The City of Hamilton is holding a collection of historic records of the community of Dundas dating back to the mid 1800’s. The records include assessment rolls, vital statistics registers, Council minutes, and property deeds to name a few. The records were being stored in a basement storage room in the former Dundas Municipal Building, a storage space that was not conducive to long-term preservation. For a number of years Records Management staff have attempted to find an appropriate solution for the storage of these historic records. With support from Councillor Powers, the Dundas Historical Society Museum and the City’s Records staff began discussing how to best preserve these records and make them available in the local community.

The City of Hamilton is providing a room in the Dundas Municipal Service Centre, temperature and humidity controlled with secured access, designated for storing and viewing historical documents. The Dundas Historical Society Museum has a full-time Archivist on staff with the technical expertise to ensure long-term preservation of the community of Dundas records. Storing the records in Dundas allows for increased ability for the public to conduct research.

It is our intent to pursue similar records transfer agreements with the Historical Society’s of the rest of the communities forming the City of Hamilton.

ALTERNATIVES FOR CONSIDERATION:

The costlier alternative would be for the City to hire a municipal Archivist to maintain and preserve these historical records in a City archival facility.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial
There is an initial cost to transfer the records of approximately $1,500 to cover the cost of supplies required for transferring and preserving the archival records. The cost of any subsequent transfers of archival records will be determined by the cost of supplies required for processing and transferring any additional archival records. There is no annual maintenance fee for the management of these records. Funding has been provided for in the 2009 Clerks budget in anticipation of this agreement.
Additional costs may be incurred in future budget years as staff pursue records transfers with the Historical Society’s of the remaining communities in the City of Hamilton.

**Staffing**
The report recommendations have no staffing implications.

**Legal**
Conforms to *Municipal Act, 2001* legislation.

**POLICIES AFFECTING PROPOSAL:**

Adherence to the *Municipal Act, 2001*.

**RELEVANT CONSULTATION:**

Legal Services staff have been consulted on this issue and have reviewed the Records Use/Transfer Agreement between the City of Hamilton and the Dundas Historical Society Museum.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

**Community Well-Being is enhanced.** ☑ Yes  ☐ No

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.

**Environmental Well-Being is enhanced.**  ☐ Yes  ☑ No

**Economic Well-Being is enhanced.**  ☐ Yes  ☑ No

Does the option you are recommending create value across all three bottom lines?

☐ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes  ☑ No
CITY OF HAMILTON

BY-LAW NO.

To Authorize the Signing of an Agreement Between the City of Hamilton and the Dundas Historical Society Museum

WHEREAS Council desires to enter into an agreement with the Dundas Historical Society Museum for archival services;

AND WHEREAS the City of Hamilton and the Dundas Historical Society Museum have agreed to do and perform the matters and things set forth in the said agreement annexed hereto as Schedule "A" to this By-law;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Agreement between the City of Hamilton and the Dundas Historical Society Museum annexed hereto as Schedule “A” to this By-law is hereby approved.

2. The Mayor and Clerk are hereby authorized and directed to execute the said agreement on behalf of the City of Hamilton and to affix thereto the Corporate Seal.

PASSED and ENACTED this day of , 2009.

MAYOR

CLERK
This agreement made this day of ,2009.

Between

The City of Hamilton
(hereinafter called “the City”)

and

The Dundas Historical Society Museum

Records Use/Transfer Agreement

WHEREAS upon amalgamation, the City of Hamilton inherited and owns the records of the local municipalities of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton, Stoney Creek and the Region of Hamilton Wentworth; and

WHEREAS in accordance with the Municipal Act, 2001, a municipality shall retain and preserve the records of the municipality in a secure and accessible manner; and

WHEREAS a municipality may establish an archives program to maintain and preserve the records of the municipality or may enter into an agreement with a local, regional or university archives for archival services;

Now, therefore, the City of Hamilton agrees to transfer and deposit certain archival records of the former municipality of the Town of Dundas to the Dundas Historical Society Museum for the purpose of providing proper maintenance preservation and access to them.

1. Definitions

For the purpose of this agreement:

(a) “Records” means historical documents in whatever media

(b) “Records Manager” means employee of the City occupying this position

(c) “Storage Space” means a room designated by the City as a location for storage of records.

2. The City of Hamilton agrees to:

(a) Provide a designated area in the Dundas Municipal Service Centre for the purposes of storing the records and ensure adequate fire protection, physical security and environmental controls are appropriate for records of long-term value.

(b) Provide an itemized list of records to the repository that includes the records title, date span, volume, and a box container listing, if appropriate.
(c) Conduct periodic inspections of the records repository to ensure that the records are secured, maintained, and accessible in accordance with the deposit agreement and the guidelines issues by the Municipal Act, 2001 and the Archives Act, 2006.

(d) Record the results of the periodic repository inspections and make them available to Local Government officials upon request.

3. The Dundas Historical Society Museum agrees to:

(a) Provide access to stored records to the general public. Patrons may view the records during normal hours of operation. The records repository will not charge for the viewing of the records, but may charge for records duplication services.

(b) Proper administrative control of the records. The records will remain in the designated storage space for the duration of the agreement. They cannot be removed except by the transferring official or his/her designee. They cannot be clipped, unbound, mutilated, or altered for any purpose. The Dundas Historical Society Museum may, from time to time, remove records or documents to be exhibited in the Dundas Historical Society Museum under appropriate security and environmental conditions.

(c) On-going monitoring of the designated storage space provided by the City of Hamilton to ensure adequate fire protection, physical security, and environmental controls.

4. This agreement recognizes that legal title to the records remains with the City of Hamilton; only physical custody will be transferred to the Dundas Historical Society Museum.

5. This agreement authorizes the Records Manager, or his/her designate, to inspect the records and the records repository on behalf of the City.

6. The agreement will extend for a period of two (2) years from the date of approval by Council. It may be renewed upon the mutual consent of the parties for the same period of time thereafter by filing another Use agreement. It may also be terminated by the City if the records repository or its services are unsatisfactory or below accepted standards of an archival records space. Upon termination of this agreement by either party, the Dundas Historical Society Museum agrees to return all records, in an orderly and proper manner, to the Records Manager of the City.

7. Financial costs to cover supplies required for processing and preserving the archival records shall be determined by the cost of supplies required for the initial processing and preservation of the records arranged upon the mutual consent of the parties.

___________________________ _____________________________
(City of Hamilton)    (Dundas Historical Society Museum)

___________________________
(Mayor)    (Archivist)

___________________________
(City Clerk)    (title)

___________________________
(date)    (date)
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Schedule A to By-law _________

Town of Dundas Archives Project

Material in new Storage Area
April 2009

Bay 1
Council proceedings, 1903-1966
Council Meeting minutes, 1921-1933

Bay 2
Council proceedings/agendas, 1966-2000
Town Clerk’s records*

Bay 3
Assessment rolls, 1848-1959

Bay 4
Financial ledgers
Assessment rolls, 1940s-1950s

Bay 5
Collectors rolls, 1850-1969

Bay 6
Field Assessment rolls, 1940s-1960s
Tax ledgers
Parks Boards minutes, committees, etc

Bay 7
Citizens’ Committee records, 1912-1922
Dundas Bandsmen’s Association records, 1976-1979
Knowles Bequest records, 1972-1991
House Connection Sewer records, 1919-1957
Agreements, 1950-1971
Parks Board by-laws, etc
Tax ledgers
Cash books, 1921-1939
“Historical” records
Property deeds

Proceedings of the Board of Education meetings
Planning maps, 1950-1971
Engineering and Public Works minutes to 1976
Committee of Adjustment
Planning records

Bay 8
Vital statistics records
Cemetery records
“Historical boxes”
Town Clerk’s records*

Blue cabinet
Cash books, (1899) 1901-1921

* Some of these records may be selected for disposal once their retention period has expired.