

AN ORDINANCE NO. 87-144-136  
ADOPTED JUN 22 1987

To amend the Code of the City of Richmond, 1985, by adding in Chapter 2, Administration, a new article entitled: "Article VII. PUBLIC RECORDS ACT", consisting of section 2-266 through section 2-273, inclusive, and to repeal Article VI. Books, Records and Accounts of said Chapter 2.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney

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THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Code of the City of Richmond, 1985, be and is hereby amended by adding therein in Chapter 2, a new article numbered Article VII, consisting of sections 2-266 through 2-273, inclusive, as follows:

ARTICLE VII. PUBLIC RECORDS ACT

Sec. 2-266. Public records defined.

For the purposes of this act "public records" shall mean all written books, papers, letters, documents, photographs, tapes, microfiche, microfilm, photostats, sound recordings, maps, other documentary materials or information in any recording medium regardless of physical form or characteristics, including data processing devices and computers, made or received pursuant to law or in connection with the transation of public business by the city.

Sec. 2-267. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records which by law are required or permitted to be closed to the public shall not be deemed to be made open to the public under the provisions of this act and no provision of this act shall be construed to authorize or require the opening of any records ordered to be sealed by a court.

Sec. 2-268. Administration.

The city manager shall administer a public records management program designed for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of public records of the city consistent with the Virginia Public Records Act, Code of Virginia, section 42.1-76 et seq., as amended, and the rules, regulations or standards promulgated thereunder.

Sec. 2-269. Public records manager.

The city manager shall appoint a public records manager who shall be trained and experienced in the area of archives/record management.

Sec. 2-270. Duties of the public records manager.

It shall be the responsibility of the public records manager with the approval of the city manager and

upon the advice of the public records management advisory committee to:

(1) Develop and circulate such rules and regulations as may be necessary and proper to implement and maintain the public records management program including the safeguarding of any records made confidential by laws.

(2) Maintain a city records center to house and preserve inactive records prior to disposition.

(3) Advise and assist city departments in the preparation of records inventory, retention and destruction schedules.

(4) Approve destruction schedules before disposition of public records.

(5) Advise and assist city departments in reviewing and selecting material to be transferred to the Virginia State Library for preservation or microfilming.

(6) Conduct, as the city manager deems necessary, such surveys, studies and investigation to assist in promoting a proper and efficient public records management program for the city including microfilming services and information retrieval systems.

(7) Be responsible for assuring that all components of the city's records management program be carried out within the purview of the Virginia Public Records Act.

ec. 2-271. Duties of the city departments.

It shall be the responsibility of each city department with the advice of the public records manager to:

(1) Maintain all records with adequate and proper documentation of the organization, together with the functions, policies, decisions, procedures, and essential transactions of the department.

(2) Establish and maintain an active, continuing program for the economical and efficient management of the records of the department. Such program shall, among other things, provide for:

- a. Effective control over the creation, maintenance and use of records in the conduct of current business.
- b. Cooperation with the public records manager in applying standards, procedures, and techniques designed to improve the management of records.
- c. Promotion of the maintenance and security of records deemed appropriate for preservation.
- d. Segregation and disposal of records of temporary value in accordance with established retention schedules.

(3) Those public records which are not required in the current operation of the office where they are made or kept, and all public records which can properly be abolished or discontinued, shall be transferred to the city records center or state archives so that the selected historical records of the city may be centralized, preserved and be made more widely available, insured permanent preservation or approved for destruction.

(4) Departments of the city shall designate a representative to coordinate the management of records in that department. The representative shall:

- a. Coordinate all records management activities and functions within the department and with the public records manager.
- b. With the advice and assistance of the public records manager, inventory or manage the inventory of all public records for disposition scheduling and transfer action in accordance with procedures prescribed by law and established hereunder.
- c. Consult with any other personnel responsible for creation or maintenance of specific records within his or her department regarding retention and transfer recommendations.

- d. Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the public records manager minimal retentions for all copies commensurate with legal, financial and administrative needs.
- e. Review established records retention schedules at least annually to insure that they are complete and current.

Sec. 2-272. Public records management advisory committee.

There shall be a public records management advisory committee consisting of the city attorney, city clerk, director of finance, city auditor, director of information technology, and city librarian which shall advise the city manager and the public records manager on all matters which are submitted to the committee involving the public records management program of the city. The city manager may appoint a deputy city manager or assistant to the city manager as an additional member of the advisory committee.

Sec. 2-273. Reproduction of records and documents and legal status and admissibility thereof.

The city manager may provide for the reproduction of records and documents as authorized by section 15.1-8 of the Code of Virginia which shall be admissible into evidence in a court of law pursuant to section 8.01-391 of such code.

**ORDINANCE OR RESOLUTION SUMMARY**  
**CITY OF RICHMOND, VIRGINIA**

Resolution Ordinance No. 87-144 Requested by City Manager Received City Manager's Office ----- Summarized June 15, 1987	Subject To add new Article to Code entitled, "Article VIII. Public Records Act" and to Repeal Article VI of Chapter 2.
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**SUMMARY**

This Ordinance would amend the Code by adding in Chapter 2, Administration, a new article entitled, "Article VII. Public Records Act", consisting of Section 2-266 through Section 2-273, inclusive, and to repeal Article VI. Books, Records and Accounts of said Chapter 2.

This Ordinance defines Public Records; provides confidentiality safeguards; establishes a Public Records Manager position, the duties of that position, duties of Departments and a Public Records Management Advisory Committee consisting of the following:

1. City Attorney
2. City Clerk
3. City Auditor
4. City Librarian
- ~~5. City Librarian~~
6. Director of Finance
7. Director of Information Technology

The City Manager may appoint a Deputy City Manager or an Assistant to the City Manager as an additional member of the Advisory Committee.

**COUNCIL ACTION**

On Docket	6/22/87
Amended	.....
Adopted	.....
Rejected	.....

§ 2. That Article VI. Books, Records and Accounts, consisting of sections 2-261 through 2-265, inclusive, of Chapter 2, Administration, of the Code of the City of Richmond, 1985, as follows, be and is hereby repealed:

#### **ARTICLE VI. BOOKS, RECORDS AND ACCOUNTS\***

##### **Sec. 2-261. Records management committee.**

In order to provide for the disposition of the books, records and accounts kept by the departments, boards, commissions and other agencies of the city government as provided in section 2.02(i) of the Charter, a records management committee is hereby established consisting of the city attorney, director of finance, city auditor, director of data processing, director of the budget and city librarian.

##### **Sec. 2-262. Disposition generally.**

The several departments, boards, commissions and other agencies of the city government shall at such times as the city manager shall prescribe and in such form as he may require submit to the records management committee schedules for the systematic disposition of the books, records and accounts kept by them respectively. It shall be the duty of the committee to review such schedules, and it shall satisfy itself that they reasonably comply with the policy established in section 2-263, and the standards prescribed in section 2-264; and shall recommend to the city manager in writing the disposition to be made of the books, records and accounts described in such schedules or any of them. Upon the receipt of such recommendations, the city manager is empowered to authorize the disposal of such books, records and accounts in such manner and by such method as he shall deem to be in the best interest of the city and in accordance with and pursuant to such policy and standards.

##### **Sec. 2-263. Policies as to use.**

In dealing with books, records and accounts referred to in this article, the records management committee, the city manager and the departments, boards, commissions and other agencies of the city government shall conform to the following policies:

- (1) Such books, records and accounts shall not be used or authorized to be used for private purposes by any officer or employee of the city government or disposed of except as authorized by this article; and
- (2) Such books, records and accounts should be systematically and periodically disposed of when they no longer serve their current administrative purposes and have lost their legal, research or historical value and significance.

##### **Sec. 2-264. Preservation.**

In determining whether and for what length of time such books, records and accounts shall be preserved, the records management committee, the city manager and the departments, boards, commissions and other agencies of the city government shall conform as far as possible with the following standards:

- (1) The frequency and extent of the use of such books, records and accounts by the officers and employees of the city government and by the public;
- (2) The availability and accessibility of copies or reproductions of such books, records and accounts for such use;

- (3) The availability or accessibility of transcriptions or summarizations of the contents of such books, records and accounts for such use;
- (4) The necessity or desirability for the preservation of such books, records and accounts to support or explain the contents of other such books, records or accounts which should be preserved;
- (5) The importance of such books, records and accounts as an integral part of the historical documents of the city;
- (6) The necessity for or desirability of preserving such books, records and accounts for studies in administrative procedures, operations or management;
- (7) The necessity for or desirability of preserving such books, records and accounts to support a claim on behalf of the city or to refute a claim against the city;
- (8) The value of the preservation of such books, records and accounts for legislative, administrative or other investigations;
- (9) The value of the preservation of such books, records and accounts to meet the requirements of agencies having no connection with the city government;
- (10) The space required to maintain and house such books, records and accounts and the cost of providing such space and its relationship to the future value thereof.

**Sec. 2-265. Photographing, microphotographing and other means of reproduction.**

The city manager may provide for the photographing or microphotographing or recording by any other process which accurately reproduces or forms a durable medium for reproducing the original of all or any part of such books, records and accounts, and the preservation of such photographs, microphotographs or medium in conveniently accessible files, and when the original of such books, records and accounts have been so photographed, microphotographed or reproduced such original may be destroyed. Every such photograph, microphotograph or reproduction or an enlargement or facsimile thereof shall be admissible in evidence as the original itself in any judicial or administrative proceeding, whether the original is in existence or not, as provided by sections 15.1-8 and 8.01-391 of the Code of Virginia.