

# MEMORANDUM

**Date:** November 5<sup>th</sup>, 2025  
**To:** Allen Coleman, Town Clerk  
**From:** JP Parris, Public Records Coordinator  
**RE:** Public Records Policy and Practices Evaluation



This memo outlines the reasoning behind considering adoption of a Public Records Policy, a discussion of the Public Records Request process in the Town of Apex, a summary of research conducted on Public Records Policies and practices across North Carolina municipalities and Counties, and recommendations on what should be included in a potential Public Records Policy for the Town.

## Public Records Requests

As the Town of Apex has continued growing, so has the amount of Public Records Requests it receives. Since in-depth tracking of requests began in 2023, the total number of requests submitted has gone up year each year.

Year	Total Requests	Percent Increase from Prior Year
2023	171	N/A
2024	217	26.9
2025	308*	41.9

\*Based on full-year estimate at current pace

The current process for Public Records Requests begins with requestors filling out a Cognito Form. Once that is received by the Clerk's Office, our goal is to reply to the requestor within 2 business days acknowledging their request has been received, and providing them with a unique tracking number. From there, the request is routed to the appropriate departments via email, and they are instructed to place any responsive records in a OneDrive folder they are given access to. Additional review is sometimes necessary to ensure a complete response and compliance with Public Records Law. While our goal is to complete Public Records Requests within 10 business days, this is sometimes not met due to multiple factors, including large request size or complexity, competing staff priorities, the need for additional review, or the lack of a centralized public records software to track requests from start to finish across the organization.

## Summary of Research

Municipalities chosen for inclusion in the research fit at least one of the following criteria: A municipality in Wake County, one of the top-25 most populated Municipalities in North Carolina, one of the top-10 most populated Counties in North Carolina, and/or a municipality that a member of the Clerk's Office worked with during discussions in a recent Public Records Working Group hosted by the UNC School of Government. This created a research set of 44 North Carolina local governments. Research was conducted through surveying public-facing information hosted on each Government's website, and in some cases, retrieving additional information or asking clarifying questions through the Government directly.

In total, 10 of the 44 Municipalities included had a Public Records Policy that was officially adopted and used to guide the Public Records Request Process that was published on their website, or that was provided through contact with the School of Government Public Records Working Group. Additionally, some local governments provide relevant information that may be contained in a Policy as information on their Public Records Requests webpages, and that information is included in the findings as applicable.

## Summary of Findings - Workflow

One of the common themes found among most of the Public Records Policies analyzed was a specified outline of the process each local government used to fulfill Requests. This includes instructions for what requestors need to submit for a Request and how to do so, an explanation on how the local government routes, reviews, and completes requests, and expectations for communication from the local government to the requestor regarding the Request's timeline and fulfillment.

While our current process is in line with the standards found in many of the Public Records Policies in these regards, defining and adopting them provides an additional layer of accountability and transparency regarding the process. Comparing current practices to those of other municipalities can help ensure we are staying current with standards and trends across the state.

Local Government	Town of Cary	Mecklenburg County	City of Greensboro	City of Fayetteville
<b>Population</b>	<b>191,000</b>	<b>1,206,000</b>	<b>307,381</b>	<b>209,496</b>
<b>Goal to Intake*</b>	<b>2 business days</b>	<b>5 business days</b>	<b>2 business days</b>	<b>3 business days</b>
<b>Goal to Close</b>	<b>2 business days, or provide an estimated timeframe</b>	<b>5 business days, or provide an estimated timeframe</b>	<b>5 business days, or provide estimated timeframe by then</b>	<b>Provide estimate on case-by-case basis</b>

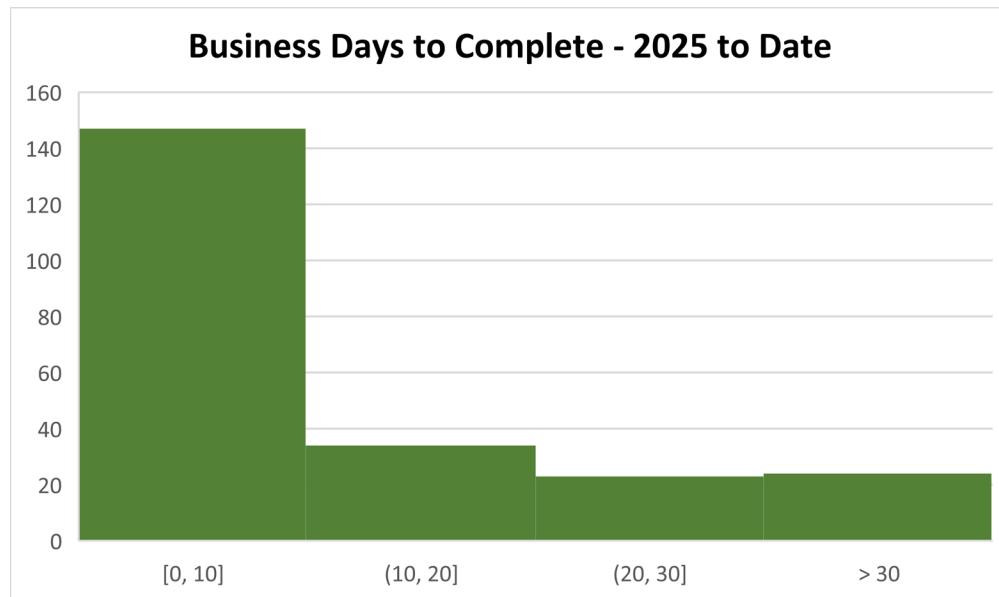
Town of Huntersville	Town of Mooresville	City of Wilmington	Lincoln County
<b>67,087</b>	<b>52,884</b>	<b>125,284</b>	<b>97,611</b>
<b>Not Specified</b>	<b>Not Specified</b>	<b>24 Hours</b>	<b>2 Business Days</b>
<b>"As Promptly as Possible based on the scope and specificity of the request"</b>	<b>Response time estimated based on the size and scope of the request, and workload of responsive department(s)</b>	<b>Not Specified</b>	<b>10 Business Days, or provide an estimated timeframe by then</b>

\*Intake refers to receiving a request, providing the requestor with acknowledgment/tracking information, and routing request to appropriate staff.

NOTE: Wording in quotations taken directly from local government's policy/webpage

As shown by the excerpt of data points above, most local governments provide intake of a Records Request within 2 business days, and provide records or an estimate of completion time within 5-10 business days. One takeaway from most of these policies is that in addition to having a set goal for responding to most requests, many local governments also provide estimated timeframes for completion if the standard goal cannot be met, which is not currently part of our standard practice.

Our current year-to-date statistics show that 91% of requests have been acknowledged, logged, and routed to departments within our intake goal of 2 days. The current median number of business days for a request to be completed is 8. 64.5% of requests have been completed within our goal of 10 business days, and 89.5% of requests have been completed within 30 business days. The below histogram shows the number of requests completed within a specified range of business days.



### Summary of Findings – Fees

As prescribed in NC General Statute 132-6.2, local governments are able to charge fees for fulfilling Public Records Requests based on the “actual cost” incurred by doing so. In our current fee schedule, this includes things like charging for paper copies of records. Additionally, the statute provides that for requests that require “extensive use of IT resources or extensive clerical or supervisory assistance”, local governments may incur a “special service charge, which shall be reasonable and shall be based on the actual cost incurred.”

In analyzing the group of Public Records Policies, it was found that many of them provided definitions of what would be considered “extensive”, as well as specifying the cost of the special service charge. While doing so is not required according to the statute, it was recommended by UNC School of Government Professor Kristina Wilson to have these fees and thresholds specified.

Local Government	City of Greensboro	City of Fayetteville	City of Asheville	Town of Huntersville
<b>Population</b>	<b>307,381</b>	<b>209,496</b>	<b>94,992</b>	<b>67,087</b>
<b>Definition of Extensive Request for Special Service Charge</b>	<b>More than 4 Hours</b>	<b>More than 4 Hours</b>	<b>More than 4 Hours</b>	<b>More than 4 Hours</b>
<b>Special Service Charge Fee</b>	<b>Hourly Rate of Lowest-Paid Employee Working on Request</b>	<b>Pay plus Benefits of a Full-Time Office Assistant II</b>	<b>\$18.00/hour</b>	<b>\$18.00/hour</b>
<b>Deposit Required</b>	<b>Yes, if time exceeds initial estimate</b>	<b>No</b>	<b>Yes, prior to the duplication of records in physical copy</b>	<b>Yes, 50% if estimated charge exceeds \$50</b>

Town of Mooresville	Davidson County	Town of Holly Springs*	Union County*
52,884	177,809	48,674	263,386
<b>More than 4 Hours</b>	<b>More than 1 Hour</b>	<b>"Requests that require extensive use of technology resources, clerical and/or supervisory assistance", Determined on a case-by-case basis</b>	<b>More than 4 hours</b>
<b>Hourly Rate of Administrative Assistant, or of TI Professional if IT support is used</b>	<b>\$28.00/hr</b>	<b>"Charged according to the fee schedule in place at the time of the request."</b>	<b>\$40/hr</b>
<b>Yes, 50% if estimated charge exceeds \$25</b>	<b>Yes, but does not specify when deposit is required or amount</b>	<b>No</b>	<b>No</b>

\*Information not from a Public Records Policy

NOTE: Wording in quotations taken directly from local government's policy/webpage

State law is clear in requiring that any special service charges be based on actual costs, meaning it is important to specify in a policy and to staff the importance of tracking how much time is being spent on researching and gathering records for large requests. In most cases, it will be clear when a request may be large enough to trigger the special service charge, and an estimate can be provided, which can be a "not to exceed amount". However, actual staff time may be lower than the estimate provided, which is what the charge must ultimately be based on. Certain local governments require various deposits to be paid, but doing so may create additional challenges to a request's timely completion, along with the possibility of actual retrieval time being less than the deposit paid or a requestor altering or cancelling their request, leading to the need for a deposit refund. In general, local governments require any applicable fees to be paid prior to records being turned over to the requestor.

Year	Requests That May Trigger Special Service Charge of 4+ Hours
2023	2
2024	3
2025	16

NOTE: Based on estimations made by Town Clerk's Office

### Policy Benefits and Records Software

A Public Records Policy could offer several benefits to the Town, including increased transparency and accountability, defined expectations for all departments to follow, and a better understanding of the Town's process and commitment to quality service for requestors. A Policy would also better define fee schedule items related to Public Records Requests as allowed by state law, and provide requestors with expectations of what they should expect from the Town in working to fulfill their request.

Appropriating funds for the use of a Public Records Request software is another step that could increase staff efficiency, improve response times, and allow for requestors to more easily check in on their requests and communicate with the

Town. In our research, we found that the use of a software to manage Public Records Requests is a common tool for local governments in the state.

Method of Records Request Management	Records Software	Online Form	Contact Staff/Email	Information Unavailable
<b>Number of Local Governments</b>	<b>22</b>	<b>13</b>	<b>4</b>	<b>5</b>

### **Recommendations**

Given the possible benefits of adopting a Public Records Policy, I recommend that we work to draft one for the elected body's consideration. A Public Records Policy would benefit the public, the Town, and staff that work to provide responsive records for requests. Having the backing of the elected body in regards to these protocols provide them with more authority and would enhance buy-in across the organization regarding the importance of timely responses to Public Records Requests.

Specifically, I recommend maintaining our current practice of intaking requests and routing them to staff within 2 business days, and maintaining our goal of responding to all requests within 10 business days. As an addition to current practices, I recommend adding a goal of staff providing responsive records or an estimated completion date to the Town Clerk's Office within 7 business days of receiving a request. Furthermore, I recommend adding a provision in the Policy to provide an estimated completion date to the requestor if it cannot be completed within 10 days, or to provide regular follow-ups if a specific date is not able to be provided.

Additionally, I recommend that we develop options for elected body's consideration regarding a possible Special Service Fee for extensive Public Records Requests. To be consistent with many policies surveyed, I would recommend the fee being able to charge starting at 4 hours of applicable staff time per request. Additionally, I would recommend setting the fee at no more than \$30 per hour. A Special Service Charge may help Town Resources be used more efficiently, as well as encourage requestors to be more specific and concise in their requests. I do not recommend requiring a deposit to be made, as it adds unnecessary time and complication to requests. I believe it would be more beneficial to simply require any applicable fees be paid prior to records being released.

Finally, I recommend contracting with a Public Records Software Service to centralize our Request process. I believe this would help us keep up with growing Records Request demand, enhance staff efficiency, reduce instances of miscommunication, and provide residents an easier "self-service" way to check in on the progress of their requests and access their records. A software like this can also have benefits in regards to publishing frequently requested records, informing requestors of what records the Town may not maintain and where to find them, and increasing pace of request completion.

These recommendations are in line with the research done on Public Records Policies and Processes in many municipalities in the State, and I hope you find this information helpful as we work to continue improving our services to Apex's residents.

### **Decision Points for Elected Body**

It would be helpful to have guidance in the following areas as we continue through this policy development:

1. Direction on a Public Records Policy
2. Direction on the utilization of a Special Service Charge for Extensive Requests
3. Allocation of Funds (Budget Amendment) to support a Public Records Software Program