

*David Moxley, Chairman  
Frank Zachary, Vice Chairman  
Cliff Collins, Commissioner  
Ricky Oliver, Commissioner  
Tim Parks, Commissioner*



*Ed Powell, County Attorney  
Lisa Hughes, County Manager  
Tanya Gentry, Clerk to the Board*

## **Yadkin County Public Records Policy**

### **I. Scope, Purpose, and Severability**

This public records policy is intended to ensure that all agencies of Yadkin County Government subject to the supervision of the Yadkin County Board of Commissioners (“BOC”) comply with the North Carolina Public Records Act (“NCPRA”). To the extent that any portion of this policy conflicts with the NCPRA, that portion will be considered void, with the rest of the policy remaining in force. This is the County’s sole public records policy, intended for both external and internal use.

### **II. Procedure For Making a Public Records Request**

The County requests that members of the public request records by contacting:

Clerk to the Board  
Tgentry@yadkincountync.gov  
P.O. Box 220  
Yadkinville, NC 27055  
(336) 849-7513

Members of the public can use the attached public records request form to request records. If the actual form is not used, the County requests that members of the public include all of the information from the form, as this will help expedite the request.

### **III. Procedure Upon Receiving a Public Records Request**

Upon receiving a public records request, a County employee should immediately forward the request to their Respective Department Director and to the Clerk to the Board. County employees should always forward public records requests to the Clerk to the Board or County Attorney. The County may arrange for alternative methods of fulfilling public records requests that involve documents that are routinely produced and need not be reviewed each time they are requested.

### **IV. Scope of the County’s Custodial Duties**

The NCPRA provides that a “custodian” of records must provide access to “any record in custodian’s custody.”<sup>1</sup> This “custodian” is defined by statute as “the public official in charge of an office having public records.”<sup>2</sup> This statute designates “a particular person in an office as being the designed custodian for that office’s public records.”<sup>3</sup>

The County often receives public records requests addressed to agencies of which the Board of Commissioners is not “in charge.” Such agencies may include Surry Community College, Yadkin County Schools, the towns. In each case, the BOC may have some relationship with these organizations, but it is not “the” body “in charge of “these agencies. The County should not expend resources fulfilling public records requests addressed to such agencies.

<sup>1</sup> N.C.G.S. § 132-6 (a).

<sup>2</sup> N.C.G.S. § 132-2.

<sup>3</sup> Cline v. Hoke, 238 N.C App. 16, 21, 766 S.E 2D 861, 865 (2014)

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## **V. Time Frame for Responding to Requests**

The NCPRA provides that public agencies must respond to requests for records “as promptly as possible.”<sup>4</sup> Unlike the federal Freedom of Information Act, the NCPRA does not provide for specific timelines for responding to requests.<sup>5</sup> In the absence of other guidance, the County will use its best discretion in responding to records requests “as promptly as possible”. As a general rule, the County will respond to requests in the order they were received. However, a simple request may be fulfilled sooner than a complex request, even if the complex request was received first. The County further may use its discretion on how it manages multiple requests by a single person or entity in order to not delay requests by others.

## **VI. Requests for Email, Text Messages, and Other Forms of Electronic Media**

The NCPRA requires that the County allow records within its custody to be inspected and/or copied. When the County has the ability to allow a given record to be inspected, it will do so. However, the County does not have a method by which employee emails, text messages, and other electronic media can be “inspected” by a records requester, and the NCPRA does not require it to create one.<sup>6</sup> Requests for electronic media made to the County will therefore be treated as requests for copies of said records, and extensive requests may be subject to special service fees.<sup>7</sup>

## **VII. Use of Voluntary Mediation**

The General Statutes authorize the parties to a public records dispute to voluntarily mediate their disagreement.<sup>8</sup> The County Manager, County Attorney, and Clerk to the Board are each authorized to initiate mediation as agents of the County.

## **VIII. Fees**

The fees that the County may charge for public records are those listed in the County’s fee schedule.

## **IX. Adoption**

This public records policy was approved by the Yadkin County Board of Commissioners at its April 7, 2025 meeting.

Tanya Gentry

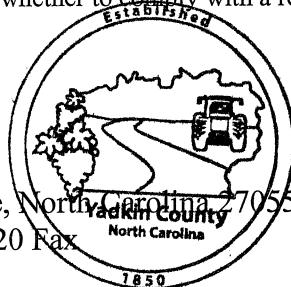
<sup>4</sup> N.C.G.S § 132-6 (a).

<sup>5</sup> See 5 U.S.C. § 552 (a)(6)(A)(i) (providing that a federal agency must determine whether to comply with a records request within 20 days).

<sup>6</sup> N.C.G.S § 132-6.1(e).

<sup>7</sup> See N.C.G.S § 132-6.2(b).

<sup>8</sup> N.C.G.S § 7A-38.3E(a).



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## **Yadkin County Public Records Request Form**

*North Carolina General Statute Chapter 132 (§1-10)*

### **Please Print Legibly**

Date of Request: \_\_\_\_\_

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Records Requested- Please be as specific as possible and attach additional pages if necessary:

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Yadkin County may charge a reasonable fee for USB drives, hard copies, postage, labor (for extraordinary large orders), and certified copies.

**Postage:** Postage will be charged at rates set by the United States Postal Service.

**Extraordinary Requests:** Yadkin County reserves the right (under N.C.G.S. § 132-6.2) to charge a service fee based on the actual cost incurred for extensive use of information technology resources or labor costs of personnel providing the services.

### **Please indicate how you would like to receive the requested records:**

Paper Copies

USB Drive

Email

Physical Inspection