



Town of Black Mountain Public Records Request Form

(Internal use only)

Received date: _____

Projected Completion Date: _____

Fees associated: _____ Fee documentation attached Fee waived

Date of this request: _____

Requestor's Name (Optional): _____

Requestor's Address: (Optional): _____

Title of record requested (if known): _____

Date of record requested (if known): _____

Location of record requested (if known): _____

Complete description of the record requested (attach additional pages as required): _____

Indicate the format in which you wish to receive the requested record:

- I want to inspect the record (no fee).
- I want a digital copy of the record **emailed** to the address above (no fee).
- I want a photocopy of the records (Fee required - see Terms).
- I want a photocopy of the records **mailed** to me. (Fee required - see Terms).

Mailing Address: _____

State: _____ Zip Code: _____

Telephone number _____

Email Address _____

Mail/Fax/Email or Deliver this completed form to:

Town of Black Mountain
 Town Clerk / PIO
 Public Records Request
 160 Midland Ave.
 Black Mountain, NC 28711
Townclerk@townofblackmountain.org
 FAX: (828) 669-4204



Town of Black Mountain Public Records Request Policy

The Town of Black Mountain has established the following public records request guidelines to affirm the public's right to access town records while setting forth a standardized procedure for town staff when providing information to the public. These guidelines also include a fee schedule to cover the cost of responding to public records requests.

The definition of a public record follows the North Carolina General Statute definition contained in § 132-1. Please note that requests for analysis, reports or any reference material that does not exist at the time of the request is not considered a public record.

The guidelines include the following sections:

1. How to request public records
2. What to expect after a request is made
3. Inspecting records
4. Request procedures for police and fire department incident reports and employment verification
5. Denial of request and appeals
6. Duplication and transmission fees

1. How to request public records

In order to effectively streamline and track requests, all requests for public records should be made in writing and mailed, hand delivered, submitted online via email or faxed to the Town of Black Mountain's Town Clerk/Public Information Officer (PIO). Requests received within individual departments will be forwarded to the Town's Clerk/PIO for processing. Information for these delivery methods is included below:

Mailing address:

Town of Black Mountain
ATTN: Town Clerk/PIO
Public Records Request
160 Midland Ave.
Black Mountain, NC 28711

Fax: 828-669-4204

Email: townclerk@townofblackmountain.org



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Submitting a Public Records Request: When making a records request it will be helpful to us to accurately provide the information requested and to insure its delivery to the requestor if a written request is provided containing the following information:

The date of the request

7. The name of the requestor
8. The full address of the requestor
9. The telephone number of the requestor
10. A complete description of the requested record
11. The title and date of the requested record, if known
12. The location of the requested record, if known; and
13. Whether the requestor intends to inspect the records or to obtain a photocopy of the records, at the cost set forth below in "Duplication and Transmission Fees."

When the requestor submits the request form, a representative from the Town Clerk/PIO Office should indicate on the form an estimate of time necessary to provide a final response to the request. Records provided in response to a public records request will be those documents of record available for disclosure as of the date of the request.

2. What to expect after a request is made

The town will make an initial response to the request for public records within five (5) business days of receiving the request. The initial response will include any clarifying information needed, cost estimates for providing records if known, and an estimated delivery time of final records. Should the request be received after 5 p.m., the request will be considered received on the next business day.

Depending upon the nature of request, the town may respond initially by:

1. Producing the record after the payment of applicable fees (see fee schedule on page 4),
2. Acknowledging the towns receipt of the request accompanied by an estimate of the time necessary for further response,
3. Denying the request accompanied by an explanation of the basis for the denial
4. Requesting a deposit, or
5. Requesting clarification of the request.



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A public records request is not continuing in nature. In the event additional records are created after the date of the requestor's original public records request, the requestor will need to submit a new request. Any records or portions of records made available by the town will be provided to the requestor in a PDF format or as deemed appropriate by the town.

If the requestor specifies a format in which the records should be disclosed, the town will disclose the records in the requested format if:

1. It is determined that disclosable records exist,
2. The town is capable of providing the records in the format requested,
3. The format requested is reasonable, and
4. The requestor pays all applicable fees required by this policy.

The town's response to the request will be considered complete and final upon:

1. Requestor's inspection of the records
2. Upon notification to the requestor that the photocopies requested are available for payment and pick-up (in the event photocopies were requested)
3. A denial of the request.

It is the town's goal to answer all requests within ten (10) business days after a final initial response has been delivered and a complete request has been obtained.

3. Inspection of records

In the event a requestor chooses to inspect records, the town will notify the requestor once the records are available for inspection. The records will be available for inspection at a date and time mutually agreeable between the requestor and the Town Clerk/PIO. The appointment to inspect the records may need to be broken into intervals, possibly over a couple of days, so as to not interfere with the daily operations of the town employees.

Any appointment to inspect records is limited to no more than a two (2) hour appointment on any given day, unless otherwise mutually agreed upon between the requestor and the Town Clerk/PIO. Records that have been pulled for inspection will be made available to the requestor for a period of no more than fourteen (14) calendar days. If the requestor fails to contact the Town Clerk/PIO within fourteen (14) calendar days of being notified that the records are available for inspection: (1) the records will be returned to the originating department; and (2) the requestor will need to submit a new request for the records and the process will begin anew.



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4. Request procedures for police & fire incident reports and personnel records/employment verification

Requests for police and fire incident reports and personnel records/employment verification are considered routine requests and can be made by following the instructions below. Requests which require an in-depth records search will be subject to the criteria outlined in this policy for public records requests. Records which are part of ongoing criminal investigations are governed by § 132-1.4 and are not considered public records as defined by § 132-1.

Police Incident Records

The Black Mountain Police Department maintains documentation of nearly all incident reports. Requests should be made in person at the Police Information Desk located in the Police Department at 106 Montreat Road, Black Mountain, NC 28711 during normal business hours, Monday-Friday, 8:00 a.m.-5 p.m.

Police Reports Required for Criminal Investigations and/or Insurance Purposes

If you are a victim of crime, insurance company representing a victim of crime or a law enforcement agency conducting a criminal investigation and need to request incident information from the Black Mountain Police Department, please contact the Police Department at (828) 419-9350.

Fire Incident Records

The Black Mountain Fire Department maintains documentation of nearly all incident reports. Requests should be made in person at the Fire Department located at 106 Montreat Road, Black Mountain, NC 28711 during normal business hours, Monday-Friday, 8:00 a.m.-5 p.m.

Fire Reports Required for Criminal Investigations and/or Insurance Purposes

If you are a victim of crime, insurance company representing a victim of crime or a law enforcement agency conducting a criminal investigation and need to request incident information from the Black Mountain Fire Department, please contact the Fire Department at (828) 419-9320.

Personnel Records/Employment Verification

If you are seeking information regarding personnel records or employment verification, please contact the Human Resources Coordinator at (828) 419-9309. Personnel records are governed by § 160A-168.



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5. Denial of request & appeals

Categories of records not subject to the right of access include but are not limited to: personnel records, criminal investigation records, legal materials, trade secrets, local tax records, medical and patient records, closed session minutes and general accounts, social security account numbers and other personal identifying and personal financial information, records involving public safety, contract bid documents and construction diaries, economic development records, social service records, library records, and telephone numbers held by 911 systems.

In the event that a request for public records is denied by the Public Information Officer, the requestor may appeal the denial in writing to the Town Manager. In the event that no response to the appeal is delivered to the requestor within two (2) business days of the Town's receipt of the appeal, the denial may be deemed final. Appeals may be delivered to the Town Manager by mail, fax or e-mail using the contact information listed below:

Town of Black Mountain

Attn: Town Manager, Records Request Appeal

160 Midland Avenue Black

Mountain, NC 28711

Fax: (828) 669-4204

E-mail: townmanager@townofblackmountain.org

6. Duplication and transmission fees

Prior to the release of any public record, unless waived, the town will collect duplication fees per NC General Statute 132-6.2. When required, the payment of a deposit will be made prior to the duplication of any records. All payments will be made by cash, money order, or check payable to the Town of Black Mountain. The Town Finance Officer will update and post duplication fees as appropriate.

The budget fee schedule for copies is listed below:

- 8 1/2" X 11" black & white single-sided hardcopy \$0.02
- 8 1/2" X 11" color single-sided hardcopy \$0.09
- 8 1/2" X 11" black & white double-sided hardcopy \$0.03
- 8 1/2" X 11" color double-sided hardcopy \$0.18
- Duplicated site plans, architectural drawings, etc. \$3-\$25 per printed sheet
- E-mail attachment, No Cost

A fee of the actual cost of postage shall be charged for mailing copies of public records to any person, firm or corporation. The mailing fee shall be in addition to any other copying fee provided for herein.