



Public Records Policy

Policy Number: CLERK-03

Effective Date: September 30, 2025

Approved By: Ted Voorhees, Town Manager

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POLICY

The public records created and compiled by the Town of Chapel Hill are the property of the people. It is the policy of both the Town and the state of North Carolina that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law.

PURPOSE

The purpose of this Policy is to assist Town officials and employees in understanding and complying with the public records law. This Policy is designed to provide guidance only, and in the event of conflict between this Policy and the law, the law prevails. The Town of Chapel Hill also recognizes that it is the responsibility of Town staff to manage the records they create in their role as a Town employee and requires professionalism and teamwork to ensure that we respond to public requests in a confidential, thorough, and timely manner.

R.E.S.P.E.C.T. VALUES



Professionalism: We are committed to the excellence and accountability of our own performance as well as the performance of the organization. We carry out our jobs efficiently and effectively, are open to feedback about our performance and show a willingness to learn.



Responsibility: We acknowledge that our duties impact the jobs of many other employees. We take ownership over our roles within the organization as a way to demonstrate our consideration for the time and efforts of our fellow employees as well as pride in our own work.

APPROVAL

Ted Voorhees, Town Manager



Public Records Procedure

Policy Number: CLERK-03

Issue Date: September 30, 2025

Approved By: Brittney Hunt, Town Clerk

PROCEDURES

RESPONSIBILITY FOR RECORDS

1. Current Employees and Officials

According to [N.C.G.S. 160A-171](#), the Town Clerk is the custodian of all Town records. [N.C.G.S. 132-2](#) further states that “the public official in charge of an office having public records shall be the custodian thereof.” This Policy outlines the following responsibilities for records management:

- a) **Employees act as the main custodians for all records they create, send, and receive.** Each primary record custodian must manage, retain, and disclose their records following the Record Schedule.
- b) **Supervisors are responsible for ensuring their staff meets their obligations as stated under this policy and helps their department director manage records during staff transitions.**
- c) **Department directors act as the custodian of all records created, sent, and received in their department,** including those of departed employees from that department.
- d) **The Town Clerk acts as the official custodian of all records created, sent, and received by Town Council members.** Town Council members may provide the Clerk all Town business records. Once received, the Town Clerk shall maintain, retain, and disclose such records upon a records request. Town Council members remain responsible for, and shall maintain, retain, and disclose all records not provided to the Town Clerk in accordance with this Policy.
- e) **The liaison to each board is the official custodian of all records created, sent, and received by board members.** Board and commission members may provide the liaison of their respective board all Town business records. Once received, the appropriate liaison shall maintain, retain, and disclose such records upon a records request. Board members remain responsible for, and shall maintain, retain, and disclose all records not provided to the board liaison in accordance with this Policy.

Every custodian must ensure that retention and disclosure requirements for their records are met. They are tasked with the upkeep and management of the public records they create, send, and receive, in accordance with the Records Schedule.

Copies of Documents

The Town employee or official who creates a record is responsible for managing it according to the Records Schedule. Other employees and officials who receive *copies* should retain the record only as long as it is relevant to their needs. Additionally, all Town employees and officials must manage records received from outside the Town of Chapel Hill unless they delegate this responsibility to a designated file custodian.

Typically, employees and officials who are cc'd on correspondence are not obligated to retain a copy unless they are the main file custodian. However, the sender and any bcc recipients of a bcc'd correspondence are considered custodians of that record and must ensure it is either retained by one of them or properly maintained in the main file by the main file custodian. **Furthermore, if you are the sole Town employee or official copied on correspondence, you are likely deemed the custodian of that record and must manage it appropriately.**

Town employees and officials are advised against producing or retaining multiple copies of any record, regardless of its format. Maintaining duplicate and temporary records incurs extra costs for the Town and burdens the computer network.

Although the Technology Solutions Department is responsible for the security and efficiency of the computer systems, it does not manage the records maintained by employees and officials. Each employee and official is the principal custodian of their own records and must manage them according to the Record Schedule, whether on Town-owned or personal devices.

2. Departing Employees

Business-related records of departing employees and officials are the property of the Town of Chapel Hill. ***If officials do not transfer records to their successor or a designated Town employee, it constitutes a Class 1 criminal misdemeanor under [N.C.G.S. 132-4](#).***

a) Departing Employee Records

The supervisor will instruct the departing employee to organize all records, including paper, electronic, and phone records, in accordance with the Records Schedule.

The supervisor will also direct the departing employee to review and organize paper and electronic records, ensuring that file names are clear and meaningful, and that records are stored in an orderly manner within folder systems for easy access.

Furthermore, the supervisor will ask the departing employee to transfer all records from their personal computer that are not already stored on the Town's network before their final day of employment.

Additionally, the supervisor will require the departing employee to handle all telephone voicemail messages as per the schedule. The employee must delete transient voicemail messages and save all other voicemail messages in an organized manner, either on the computer or in paper files, to facilitate easy retrieval. Voicemails should not be stored on the telephone as this does not allow for easy access. If the departing employee does not give enough notice to arrange a thorough transfer and inspection of their records, then the employee's supervisor will independently work with Technology Solutions to move those records into their custody.

Departing employees will ensure that their Supervisor has received all the departing employee's electronic records and that all telephone voicemail messages have been managed according to the Schedule before reassigning the telephone. If the departing employee does not manage their electronic records or telephone voicemail messages in accordance with the Policy and the Schedule before leaving their position, the Supervisor will be responsible for ensuring these tasks are completed before Technology Solutions reallocates the equipment.

b) Departing Town Councilmember Records

The Town Clerk will work with all Town Councilmembers leaving office to request that they provide all Town public records to the Town Clerk's office.

c) Departing Appointed Official Records

The Official Town Liaison for a particular Board will work with departing Board members to request that they provide all Town public records to the Official Records Custodian.

PUBLIC RECORDS

1. Definition

With few exceptions, all documents created or received by officials and employees while conducting official Town business are considered public records and must be preserved, stored, disposed of, and made accessible for inspection and copying as required by law. This includes records kept at the homes of officials and employees or on personal or home computers, provided they relate to Town business. The laws governing public records are mainly found in [N.C.G.S. 132-1](#) through [N.C.G.S. 132-10](#).

[N.C.G.S. 132](#) defines a public record as: "all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions." **If the purpose and content of a record are personal and unrelated to Town business, it is not considered a public record. Otherwise, it should be handled according to the Records Schedule.**

There are specific records that are exempt from being classified as public records, and some public records may not be required to be disclosed. (See the section on Protected Records below for more information about these exceptions.)

2. Transitory Records

Transitory records are considered public records but are temporary in nature and are not required to be maintained. Examples of transitory records include, but are not limited to, messages that hold short-term or negligible administrative value such as:

- voicemails
- sticky notes
- fax cover sheets lacking significant information
- telephone messages

Primarily, these documents serve for casual communication and are not intended to capture or formalize knowledge. They do not define Town policies, establish guidelines or procedures, address Town business matters, make decisions, confirm transactions, or act as evidence of receipt. *It's worth noting that return receipts from certified or registered mail, which provide crucial information about the sender/recipient and pertinent dates, are not regarded as transitory.*

Transitory records are viewed as having temporary administrative or reference value, which expires when the relevant official or employee no longer requires the information in the record. These records may be discarded after their reference value has ended. **Nonetheless, if a request for a transitory record is made before it is eliminated, the record must be made available.**

3. Drafts

A draft document is considered a public record once it is shared with another individual. It then could be open to public inspection. This applies even to some drafts that have not been widely distributed. Officials and employees should seek guidance from the Town Attorney's office about the public record status of a draft document before denying access to it.

To avoid any misunderstandings that might occur from the public sharing of discussion drafts, it is advisable to clearly mark each page of the circulated draft documents with the label "DISCUSSION DRAFT ONLY." This label can be applied by going to the Format menu, selecting "Background," choosing "Printed Watermark," opting for "Text Watermark," typing in "Discussion Draft Only" as the text, and then clicking "apply."

4. Protected Records

Public records law exempts certain types of records from required disclosure. This section lists examples of such protected records. These records should not be disclosed, and in certain cases, disclosure is prohibited without authorization from the official custodian or the Town Attorney's office. Just as there is an obligation for employees and officials to disclose public records, there is also a responsibility to safeguard the privacy of protected records. Efforts should be made to avoid combining protected and public information within the same document. When records contain both public and protected information, they must be disclosed, but any protected information must be removed if it is on a separate page. If it is on the same page, the information must be redacted. For more details on how to redact protected information, refer to the section below. If there is uncertainty about whether a record is protected, employees and officials are encouraged to consult with the Town Attorney's Office.

Records that are exempted from public records include but are not limited to:

- **Confidential communications by legal counsel to public board or agency**, as defined in [N.C.G.S. 132-1.1](#)
- **Public enterprise billing information**, as provided in [N.C.G.S. 132-1.1](#).
- **Controlled substances reporting system information** as provided in [N.C.G.S. 132-1.1](#) (which may be released only in accordance with The Controlled Substances Act).
- **Criminal investigation records and records of criminal intelligence information**, as provided in [N.C.G.S. 132-1.4](#). Note that certain Information about violations or apparent violations of the law is a public record per [N.C.G.S. 132-1.4\(c\)](#).

- **911 data base information**, if required by agreement with the telephone company as provided in [N.C.G.S. 132-1.5](#).
- **Sensitive public security information**, including information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities, and additional security information as provided in [N.C.G.S. 132-1.7](#).
- **Certain identifying information of minors participating in a park or recreation program**, although the zip code of residence is a public record, as provided in [N.C.G.S. 132-1.12](#)
- Other records for which statutory exemptions apply.

Records protected from disclosure include but are not limited to:

- **Personnel files of employees**, former employees, or applicants for employment maintained by the Town are subject to inspection and may be disclosed only as provided by [N.C.G.S. 160A-168](#). The following information with respect to each Town employee is a matter of public record:
 - name
 - age
 - date of original employment or appointment
 - The terms of any contract by which the employee is employed whether written or oral, past, and current.
 - current position
 - title
 - current salary
 - date and amount of each increase or decrease in salary
 - date and type of each promotion, demotion, transfer, suspension, separation, or other change in position
 - date and general description of the reasons for each promotion
 - date and type of each dismissal, suspension, or demotion for disciplinary reasons
 - copy of the written notice of final dismissal decision setting forth the specific acts or omissions that are the basis of the dismissal, and the office to which the employee is currently assigned
 - All information contained in a town employee's personnel file, other than the information made public by the subsection above, is confidential and may be open to inspection only in certain instances.
- **“Tax information” pertaining to a taxpayer’s income or gross receipts may not be disclosed**, as provided in [N.C.G.S.132-1.1](#), except as provided in [N.C.G.S. 160A-208.1](#) which permits disclosure to comply with a law or court order; for review by the Attorney General (“AG”) or representative of the AG; and to sort, process or deliver tax information for the Town to administer a tax.

- **Social security numbers and personal “identifying information”** is confidential and unlawful to disclose to the public. Employees and officials must check with Human Resources before collecting any social security number. In addition to social security numbers, “personal identifying information” includes:
 - employer taxpayer identification numbers
 - drivers’ license numbers (except in cases where the number appears on a non-protected law enforcement record), state identification card numbers and passport numbers
 - checking, savings, credit, and debit account numbers
 - personal identification code (PIN) numbers used to access financial resources
 - digital signatures
 - any other numbers or information that can be used to access a person’s financial resources
 - biometric data
 - fingerprints
 - passwords
 - all as provided in [N.C.G.S. 132.1.10](#), [N.C.G.S. 75-61](#) and [N.C.G.S. 14-113.20](#)

- **Trade secrets and electronic payment account numbers**, as detailed in [N.C.G.S. 132-1.2](#).

- **The seal of an architect, engineer, or land surveyor when that seal has been submitted for project approval** under [Part 5 of Article 19, Chapter 160A](#) (Building Inspections) as set forth in [N.C.G.S. 132-1.2](#).

- **Certain “trial preparation materials”** are protected as provided in [N.C.G.S. 132-1.9](#).

- **Names and addresses of complaining witnesses to crimes must be temporarily withheld**, as provided in [N.C.G.S. 132-1.4](#).

- **Certain economic development incentives are temporarily protected**, as provided in [N.C.G.S. 132-1.11](#).

Electronic Mailing Lists:

Employees and officials are required to allow the inspection of electronic mail lists that contain the email addresses of subscribers. However, in accordance with this policy and [N.C.G.S. 132-1.13](#), employees and officials of the Town of Chapel Hill must not provide copies of these lists in response to a records request. ([The Technology Appropriate Use Policy](#) provides further details on the limitations regarding the use of these electronic mailing lists by employees and officials.)

RETENTION AND DISPOSITION OF PUBLIC RECORDS

1. General Retention and Disposition Requirements

The law mandates that public records be preserved in a way that permits public inspection and copying, and they must not be destroyed until after they have been retained for the designated periods specified in the [Records Schedule](#). Public records should only be destroyed using the approved methods listed in the Records Schedule, unless there is a specific reason to retain them, such as an active record request, a subpoena, a court order, or a requirement under state or federal law, or a grant. Furthermore, if there is any pending or anticipated litigation or claim, the related records must not be destroyed. (For more details, refer to the section on Litigation Hold Requirements below). A public record that is not properly disposed of remains accessible to the public and must be disclosed if requested, or if required by a subpoena, court order, or if related to a claim or litigation. For instance, if the Records Schedule states a record must be kept for two years, but at three years old, a request for the record or a court order involving the record is received, then that record must be disclosed.

Records retained electronically must be stored in a secure system that manages access, storage, retrieval, modification, and deletion effectively. Each primary record custodian is responsible for establishing their own retention and disposition procedures, including necessary reference copies, to ensure they comply with legal requirements.

2. Litigation Hold Requirements

A 'litigation hold' is an alert issued by the Town Attorney's office indicating that a lawsuit has been filed or is expected to be filed against the Town. **Upon receipt of a litigation hold notice, ALL records potentially relevant to the claim or lawsuit must be preserved and not discarded until the lawsuit is settled and the relevant retention period has lapsed.** This includes transient records (such as telephone voicemail messages), duplicate records, electronic versions of printed records, and other records that are not typically required to be retained according to the Records Schedule.

Additionally, a litigation hold may be triggered if an official or employee receives a communication, such as a letter, from a lawyer representing an opposing party requesting the preservation of specific records. In such instances, it is advisable to consult with the Town Attorney's office upon receiving such a notice.

RECORDS REQUESTS

1. Response

According to North Carolina record laws, a record custodian must allow the inspection of any public, non-protected record in their possession "at reasonable times and under reasonable supervision". They must also provide copies as soon as possible after any applicable fees are paid.

PROCEDURES
CONT.

Individuals requesting records are not required to reveal their reason for seeking access to records when making a public records request. Requesters are also not obligated to provide their name or address, present an ID, or sign for the record.

Individuals should direct their record requests to the Town Clerk via the [Public Records Request form](#). Upon receiving a request, the Town Clerk should ensure that the requester has clearly and fully identified the desired record(s). For ambiguous requests, the clerk may reach out to the requestor for more information, including additional key word searches, or any other piece of information that would assist in responding to the request. A lack of response from the requestor will result in a closed public record requests after 30 days of no response. While not mandatory, submitting a request through the Public Records request form can help clarify the details of the request and keep track of the request. The Town Clerk is responsible for forwarding the request to the appropriate department or record custodian for fulfillment. The department or custodian must conduct a thorough search for the records and respond back to the Town Clerk as promptly as possible with one of the following actions:

- (1) to inform that additional time is required to fulfill the request (and providing an estimated timeframe);
- (2) to make the record available for inspection or copying, with necessary redactions if applicable, while taking precautions to protect the records from loss, damage, or destruction;
- (3) to issue a written statement confirming that after a diligent search, no relevant records were found; or
- (4) to provide a written explanation for the denial or partial denial of the request.

In most instances, the Town Clerk will collect the appropriate documents from the department or custodian, and forward to the requester. In other cases, the Clerk may allow the requester to inspect the records and only copy those specifically identified by the requester (for information on applicable fees, see the section Public Records Fees). In other instances, the Town Clerk may allow certain records to be sent directly by the effected employee/department. This will be determined solely by the Town Clerk.

In the case of sorting and collecting email in response to a public records request, all employees will look through their own email when searching through these requests. Employees will deliver the requested emails back to the Town Clerk for distribution. Any requests for Councilmember emails will be coordinated by the Town Clerk in conjunction with the Town Manager, Town Attorney, and/or the Town Councilmember(s) in question.

Any requests for the emails for former employees will be directed by the Town Clerk and the departed employee's Supervisor for completion. The Supervisor should ultimately deliver any responsive emails to the Town Clerk for distribution.

Copies of public records should be provided in the medium preferred by the requester, *if the Town can accommodate the request in that format* (e.g., paper, CD/DVD, etc.). The Town Clerk should inform the requester of the associated costs and obtain their agreement before proceeding with the production of records. The requester must pay any fees before the records are reproduced or at the time of receipt. If the requester disagrees with the fees, alternative arrangements for inspecting the records should be made.

Employees and officials should promptly notify the Public Information Officer whenever they receive a record request from the media.

2. Redacting Protected Information

If a record requested is classified as protected, it generally does not need to be made available for inspection and copying. However, there are instances where a public record may include some protected information, but the record is not protected. In such cases, the protected information must be redacted in a way that clearly indicates a redaction has occurred. For instance, if dealing with a printed record, one should first make a photocopy of the original document, cover the protected information with white correction tape, and then obscure the tape using a black marker. This altered document should then be photocopied again, and the newly redacted copy may be provided for inspection and copying.

When providing an electronic copy that contains protected information needing redaction, the primary custodian of the record should save the document under a new file name. Using the "cut" feature, the custodian should remove the protected text from this new document, ensuring it is clear in the document where text has been removed. It is the responsibility of the primary custodian to ensure that any protected information remains secure and is properly handled during the redaction process.

3. Copyrighted Records

Some records held by the Town may be copyrighted material, protected under copyright laws. If a request is made for such a record, employees and officials should allow the requester to inspect the record. Should the requester wish to make a copy, the employee or official may allow the requester to make the copy themselves. It is important that employees and officials do not make copies of copyrighted records in response to a records request.

There may be instances where Town records contain copyrighted materials, and the employees or officials handling the request might not be aware of the copyright status. In cases where it is possible that the records provided may include copyrighted materials, the following statement should be used when releasing the records:

"The Town is providing copies of records you have requested in accordance with the North Carolina Public Records Law. Please be aware that some of the records provided may be subject to copyright. You are not authorized to reproduce, download, or otherwise copy any copyrighted material or work provided by the Town under the public records law. Engaging in unauthorized use, reproduction, downloading, or distribution of copyrighted materials may expose you to penalties and damages under state and federal copyright laws."

4. Public Records Fees

To maintain budgetary control and to prevent unnecessary expenditure of funds, large volume public records requests should not be completed until the requestor has paid all fees associated with the request. All fees established shall apply to any person who requests copies of Town records, other than persons acting on behalf of the Town.

Requesters will be notified in advance of any service fees that will be assessed for cases involving extensive information technology resources or extensive clerical or supervisory assistance. Please see the current hourly rate in the [Town's Fee Schedule](#). A deposit sum equal to 50 percent of the estimated cost prior to duplication and delivery of the records may be required for any request where the estimated total of fees is higher than the current hourly rate or for any records requests that require extensive staff time of over one hour. For extensive email search requests or if extensive clerical or assistance is needed based on the scope of the request, the Town may hire additional legal or administrative services. A special service charge of a nominal fee may apply for the use of these additional services. The costs for these additional services will be paid at the expense of the public record requestor.

Per [N.C.G.S. 132-6.2\(b\)](#): "... if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the Town involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the Town for reproduction of the volume of information requested, then the Town may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the Town or attributable to the Town." Employees who are tasked with fulfilling large volume public record requests that exceed 4 hours must log their time and progress in coordination with the Town Clerk.

The response time will vary on a case-by-case basis. The Town will respond as systematically as possible based on factors including the availability of records, the complexity of the request, the volume of materials involved, the number of requests ahead of it in the queue, the priority order of the request in cases in which a requester has submitted multiple requests, and the time required to review the materials for possible redactions.

If the Town receives multiple requests for the same information or that are of interest to a wider audience, the Town may respond in a public forum rather than charge for the data or provide it to the requestors. Requestors will be referred to the public forum where the information is posted.

5. Disputed Records Requests: Enforcement and Penalties

The law establishes a mediation process to settle disputes over public records lawsuits. Additionally, if a legal action is initiated against the Town to force the release of public records, the Town will be obligated to cover the opposing party's attorney's fees if that party largely succeeds, unless the court determines that the Town's actions were based on reasonable reliance on specific court orders or judgments that apply to the Town, a published appellate court decision, or a written opinion or letter from the NC Attorney General. Individual employees and officials are not personally liable for attorney fees if they sought and adhered to legal advice. Therefore, if employees or officials are uncertain about the protected status of a record or are contemplating denying a records request, they are advised to consult with the Town Attorney's office.

PROCEDURES
CONT.

GENERAL RECOMMENDATIONS

- **Be thoughtful in choosing the medium through which you communicate information.** Creating and keeping unnecessary printed and electronic records can strain the Town’s physical and digital storage capacities.
- **Refrain from producing records that are not essential** and eliminate unnecessary duplicates and temporary records.
- **Keep public records separate from protected and personal records.** Handle protected records with extra caution and security, and if feasible, store them separately from other records. Do not disclose protected records to individuals who are not authorized to access them. In certain instances, like with social security numbers, the law mandates that these records be kept separate.
- **Ensure that all Town records are stored on Town equipment, and personal records on personal equipment.**
- **Label and organize records effectively to facilitate quick and easy retrieval in response to record requests.** Clearly mark records that are protected or contain protected information to indicate their status. If a protected record is scheduled to become unprotected in the future, label it accordingly to reflect the date it will change status.
- **Dispose of temporary records, duplicates, and records that have surpassed their retention period.**

For any inquiries regarding this Policy, reach out to the Town Clerk’s Office or Town Attorney’s office.

FORMS AND
INSTRUCTIONS

None

ADDITIONAL
CONTACTS

Town Clerk, 919-968-2743 or allclerk@townofchapelhill.org

DEFINITIONS

Board: All Town of Chapel Hill non-elected, appointed bodies (includes all boards, commissions, committees, task forces, etc.)

Copyright: The legal right granted to a person for exclusive publication, production, sale, or distribution of materials.

Employee: All Town employees, including temporary and part-time employees. Volunteers and persons working for a temporary employment service (“temps”) are also subject to this Policy, but the Town employee supervising the volunteer or “temp” is responsible for the public records of such volunteer or “temp.”

File Custodian: The person responsible for maintaining the project or subject file to which a record(s) relates

DEFINITIONS
CONT.

Network: A system by which many computers are connected. The Town of Chapel Hill has a network that allows access to authorized areas on a central storage device and to access printers and shared drives.

Official(s): All Town of Chapel Hill elected/appointed Town Council members and appointed board/commission, committee, and task force members.

RELATED
INFORMATION

[North Carolina General Statute 132](#)

[Town of Chapel Hill Technology Appropriate Use Policy](#)

[Town of Chapel Hill Technology and Data Security Policy](#)

[Town of Chapel Hill Records Management Policy](#)

[Town of Chapel Hill Records Management and Imaging Procedures](#)

RESPONSIBILITIES

None

APPENDICES

None

FAQ

None

SCOPE

This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. Departmental policies in compliance with this policy are referenced in Section XI below, **Related Information**.

POLICY HISTORY

This policy was developed in September 2025 to guide future policy development and review. This policy replaces and supersedes any previous Town policies, departmental policies, handbooks, or unwritten policies or practices covering the same subject. In the event of any conflict between the policy and applicable local, state, or federal law, the law will prevail.