

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE SHERIFF OF WAKE COUNTY
AND THE COUNTY OF WAKE**

WHEREAS, the County of Wake (hereinafter ‘the County’) is a body politic and corporate; and

WHEREAS, the Sheriff of Wake County is a constitutional officer elected by the qualified voters of Wake County to discharge statutory duties set forth in N.C.G.S Chapter 162 *et seq* and does so through the operation of the Wake County Sheriff’s Office (“Sheriff’s Office”); and

WHEREAS, the Wake County Enterprise Records Manager is responsible for administering the county-wide Records Management Program, with Records Custodians defined to include the Wake County Sheriff as set forth in the Wake County Records Management Policy; and

WHEREAS, the Wake County Sheriff manages records specific to Sheriff’s Office throughout their lifecycle; and

WHEREAS, the County’s Records Management Policy and departmental procedures apply only to employees of the County, its agencies, and departments and not to the offices of elected County officials and their staffs; and

WHEREAS, to help ensure a uniform system of records and information governance in Wake County, the County and the Wake County Sheriff desire to enter this Memorandum of Understanding to provide clear guidance for the authority of the Records Manager to ensure compliance with the County’s policies and with the provisions of Chapter 121 and 132 of the General Statutes of North Carolina, and to set forth the agreement of the Sheriff’s Office to abide by the records management policies and procedures of Wake County, except where such agreement conflicts with other applicable law or statutory or constitutional authority of the Sheriff.

THEREFORE, the County of Wake and the Wake County Sheriff mutually agree as follows:

Section 1. The County of Wake acknowledges that the Sheriff has independent responsibility and authority for records management of the Wake County Sheriff’s Office.

Section 2. The Wake County Sheriff shall comply and require the Wake County Sheriff’s Office to comply with all Wake County records management policies and procedures and the County Sheriff’s Office Records Retention and Disposition Schedule as the same may be amended from time in the same manner required of other County departments, except when in conflict with other applicable law or statutory authority of the Sheriff, in the sole discretion of the Sheriff.

Section 3. This Memorandum of Understanding will be effective when signed by both parties. It shall remain in effect until modified or terminated by written mutual agreement of the parties hereto, or upon ninety (90) days' written notice by either party.

This Memorandum of Understanding supersedes and replaces all prior Memoranda of Understanding involving this subject matter between the County and the Sheriff. .

COUNTY OF WAKE, NORTH CAROLINA

BY: _____

Greg Ford, Chairman

Wake County Board of Commissioners

The signing of this Memorandum of Understanding was authorized by the Wake County Board of Commissioners at a meeting held on the 17th of February, 2020

Denise Hogan, Clerk

Wake County Board of Commissioners

DATE: _____, 2020

SHERIFF OF WAKE COUNTY

BY: _____

The Honorable Gerald Baker

DATE: _____, 2020