

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE WAKE COUNTY SOIL AND WATER
CONSERVATION DISTRICT
AND THE COUNTY OF WAKE**

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

WHEREAS, the Wake County Soil and Water Conservation District (SWCD) is a public body corporate and politic organized under the laws of N.C.G.S. Chapter 139 *et seq.*, working with Wake County government in a non-regulatory capacity to carry out conservation programs in Wake County through the Wake County SWCD 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 SWCD as set forth in the Wake County Records Management Policy; and

WHEREAS, the Wake County SWCD manages records specific to SWCD activities 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 through the Enterprise Records Manager and the SWCD 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 SWCD to abide by the records management policies and procedures of Wake County, except where such agreement conflicts with other applicable law or statutory authority of the SWCD.

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

Section 1. The County of Wake acknowledges that the SWCD has independent responsibility and authority for records management of the Wake County SWCD.

Section 2. The Wake County SWCD shall comply and require the Wake County SWCD Office to comply with all Wake County records management policies and procedures and the Soil and Water Conservation Districts 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 constitutional office of the SWCD Board, in the sole discretion of the SWCD Board.

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 SWCD.

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 ____ of _____, 2020

Clerk, Wake County Board of Commissioners

DATE: _____, 2020

WAKE COUNTY SWCD

BY: _____

Thomas Dean, Chair, Wake County SWCD Board of Supervisors

DATE: _____, 2020