

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 11, 2013 AGENDA ITEM NUMBER: 9

SUBJECT: RESOLUTION APPROVING THE RECORDS RETENTION AND DISPOSITION SCHEDULE FOR THE FORSYTH COUNTY REGISTER OF DEEDS

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Rendley Watts, Jr.* DATE: November 6, 2013

COUNTY MANAGER

**RESOLUTION APPROVING THE RECORDS RETENTION
AND DISPOSITION SCHEDULE FOR THE
FORSYTH COUNTY REGISTER OF DEEDS**

WHEREAS, the Forsyth County Register of Deeds wishes to dispose of certain public records in its custody which have no further use or value for official business, research or reference in a manner consistent with the Records Retention and Disposition Schedule for Registers of Deeds prepared by the North Carolina Department of Cultural Resources; and

WHEREAS, N.C.G.S. Sec. 121-5(b) prohibits the destruction, sale, loan or other disposition of public records without the specific consent of the North Carolina Department of Cultural Resources (the "Department of Cultural Resources"); and

WHEREAS, N.C.G.S. Sec. 121-5(c) provides that when requested by the Department of Cultural Resources, public officials are to assist the Department of Cultural Resources in preparing an inventory of records in the custody of a governmental unit or agency, to which inventory of records shall be attached a schedule for disposition of those records; and

WHEREAS, N.C.G.S. Sec. 121-5(c) further provides that the said schedule for disposition must be approved by the governmental unit having custody of the records and by the Department of Cultural Resources and must establish a time period for the retention or disposal of each series of records; and

WHEREAS, N.C.G.S. Sec. 121-5(c) further provides that so long as such approved schedule remains in effect, then any destruction or disposal of records in accordance with the provisions of the schedule will be deemed to meet the requirements of N.C.G.S. Sec. 121-5(b) as though individually certified by the Department of Cultural Resources and authorized by the governing body of the county; and

WHEREAS, the Department of Cultural Resources has prepared an inventory of records for county register of deeds offices after consultation with selected county register of deeds offices across the State, and prepared a schedule for disposition of county register of deeds records (the "Schedule") in connection therewith, which Schedule was then approved by the Department of Cultural Resources after a public comment and review period; and

WHEREAS, upon full approval of said Schedule at the local and State level, Forsyth County Register of Deeds may dispose of records in accordance with the Schedule without obtaining further consent or approval of the Department of Cultural Resources for each disposition; and

WHEREAS, the Forsyth County Register of Deeds recommends approval of the Schedule by the Forsyth County Board of Commissioners on behalf of Forsyth County; and

WHEREAS, the Director of the Division of Archives and Records has recommended approval of the Schedule and the Secretary of the Department of Cultural Resources has approved the Schedule on behalf of the Department of Cultural Resources, which recommendation and approval are attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the attached Records Retention and Disposition Schedule for Register of Deeds is hereby approved for use by the Forsyth County Register of Deeds.

BE IT FURTHER RESOLVED that Forsyth County Register of Deeds shall retain public records in its custody in accordance with the said Records Retention and Disposition Schedule and the Forsyth County Register of Deeds is hereby authorized to destroy or otherwise dispose of records in its custody which have no further use or value for official business, research or reference in accordance with the said Schedule approved herein.

Adopted this 11th day of November 2013.

**Register of Deeds
Records Retention and Disposition Schedule**

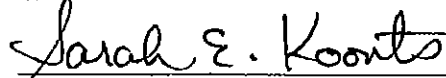
The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. *Public records including electronic records not listed in this schedule are not authorized to be destroyed.*

This local government agency and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow these records to be destroyed when "*administrative value ends.*" The local government agency hereby agrees that it will establish and enforce internal policies setting minimum retention periods for the records that Cultural Resources has scheduled with the disposition instruction "*destroy when administrative value ends.*" If an office does not establish internal policies and retention periods, the office is not complying with the provisions of this retention schedule and is not authorized by the Department of Cultural Resources to destroy the records with the disposition instruction "*destroy when administrative value ends.*"

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

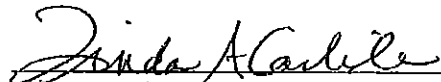
Register of Deeds



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Chairman
Board of County Commissioners



Linda A. Carlisle, Secretary
Department of Cultural Resources

Name of County

October 10, 2012