


CITY COMMISSION POLICY

 <p>GRAND RAPIDS MICHIGAN</p>	NUMBER: 600-14	HISTORY FILE # DATE
	DATE: October 1, 2002	
	FILE NUMBER: 70427	
	DEPARTMENT: IT	

SUBJECT: **ENHANCED ACCESS TO PUBLIC RECORDS**

PURPOSE: To establish procedures and guidelines for enhanced access to public records.

POLICY:

A. Authority

This policy is established under the authority of the Enhanced Access Records Act.

B. Definitions

1. "Enhanced access" means a public record's immediate availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
2. "Geographic Information System" ("GIS") means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data, i.e. GIS output based upon a digital representation of data. The GIS includes digital orthophotographic data.
3. "Person" means that term as defined in section 2 of the Freedom of Information Act, Public Act 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.
4. "Public Body" means that term as defined in section 2 of the Freedom of Information Act, Public Act 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.

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5. "Public Record" means that term as defined in section 2 of the Freedom of Information Act, Public Act 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.
6. "Software" means that term as defined in section 2 of the Enhanced Access to Public Records Act, Public Act 462 of the Public Acts of 1996, being section 15.442 of the Michigan Compiled Laws.
7. "Reasonable fee" means a charge which will be calculated to enable the REGIS Agency and the City of Grand Rapids to recover, over time, those operating expenses directly related to the provision of enhanced access.
8. "Operating expenses" includes, but is not limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee and contractor time, and the actual cost of supplying the information or record.

C. Authorization

1. The City of Grand Rapids, in cooperation with the REGIS agency, may provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.
2. This policy does not require the City of Grand Rapids to provide enhanced access to any specific public record. It is the policy of the City of Grand Rapids to provide enhanced access only to GIS data covering property within the jurisdiction and/or service area of the City of Grand Rapids.
3. Pursuant to PA 462 of 1996, the City of Grand Rapids shall select which public records may be made available through enhanced access to the GIS.
4. The City of Grand Rapids shall enter into an agreement with the REGIS Agency to provide enhanced access to the GIS, or output from the GIS, which enhanced access may be made available to the general public on terms consistent with the City of Grand Rapids' obligations to the REGIS Agency under the Intergovernmental Agreement between the City of Grand Rapids and REGIS Agency.

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D. Fees

1. The City of Grand Rapids may charge a reasonable fee for providing enhanced access to public records, including the GIS and the output from the GIS.
2. The City of Grand Rapids shall establish reasonable fees for each public record made available for enhanced access or for access to GIS or the output from GIS. The fee shall be in an amount which allows the REGIS Agency and the City of Grand Rapids to recover, over time, those operating expenses directly related to the provision of enhanced access.
3. It is the policy of the City of Grand Rapids to review the fees on an annual basis to ensure that these fees continue to reflect a reasonable fee structure. Fee adjustments shall be approved by the City Manager before becoming effective.
4. The City of Grand Rapids may furnish access or enhanced access without charge or at a reduced charge only with the consent of the REGIS Agency and only if it determines that a waiver or reduction of the fee is in the public interest because access or enhanced access can be considered as primarily benefiting the general public interest. Examples may include, but are not limited to, instances when:
 - a. The information is critical to public health or safety.
 - b. The information is required for non-profit research purposes such as academic or public interest research.
 - c. The information is required to meet legal, programmatic or government objectives.
 - d. The cost of administering the fees would exceed the revenue to be collected.
 - e. The fee would have a serious detrimental impact on the financial position of particular groups or classes of users.
 - f. The fee would limit the number of users enough to compromise achieving program or other government objectives.

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5. Waiver or fee reductions established in the REGIS Agency Enhanced Access Fee Schedule shall be honored by the City of Grand Rapids. Requests for waivers or reductions not established in the Fee Schedule shall be submitted to the REGIS Agency Director for consideration and approval or disapproval.

E. Disclaimer

1. Enhanced Access and all GIS or other data or information is provided "AS IS". The REGIS Agency, Grand Valley Metropolitan Council, City of Grand Rapids, REGIS members, their officers, officials, directors, employees, agents, volunteers, and contractors make no warranties of any kind, including but not limited to, warranties of accuracy, fitness for a particular purpose, or of a recipient's right of use. Recipients shall agree as a condition of seeking and obtaining enhanced access to public records (including GIS data) to protect, indemnify and hold REGIS Agency, Grand Valley Metropolitan Council, City of Grand Rapids and REGIS members harmless against any and all claims with regard to accuracy, fitness for a particular purpose or right of use.
2. No officer, official, director, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of REGIS Agency, Grand Valley Metropolitan Council, City of Grand Rapids or any REGIS member.
3. The provision of enhanced access shall not transfer ownership of information or intellectual property to the recipient of the enhanced access or GIS data. Third parties provided access to the GIS or output from the GIS by the City of Grand Rapids shall be required to execute a License Agreement provided by REGIS Agency.