

A RESOLUTION AMENDING THE ENHANCED ACCESS TO PUBLIC RECORDS
POLICY TO INCLUDE E-GOVERNMENT SERVICE TRANSACTIONS AND CREATING
AN ENHANCED ACCESS BOARD

WASHTENAW COUNTY BOARD OF COMMISSIONERS

March 6, 2002

WHEREAS, Washtenaw County began investigating E-Government in January of 2001 as a business tool to enhance customer service; and

WHEREAS, an internal task force was developed to determine the best method for Washtenaw County to gain information on this initiative; and

WHEREAS, the task force educated themselves through site visits, professional development and professional organizations that are experienced with E-Government methodologies and implementation; and

WHEREAS, the task force developed a strategic plan which details the implementation of a County-wide E-Government enterprise government plan; and

WHEREAS, on November 7, 2001 the Board of Commissioners approved a three-year partnership with National Information Consortium to be responsible for the development and implementation of e-commerce applications; and

WHEREAS, on February 7, 2002, the Board of Commissioners was presented with options to address the future of convenience fees and developing a mechanism to address 24 hours, 7 days a week service delivery; and

WHEREAS, the Board of Commissioners directed the County Administrator to present the Ways & Means Committee with the amendment to the Enhanced Access to Public Records Policy and address convenience fees and the establishment of an Enhanced Access Board.; and

WHEREAS, the existing policy does address the County's current access and fees structure, however, moving towards E-government, service delivery for 24 hours 7 days a week is not addressed; and

WHEREAS, in order to continue to provide this service to the citizens, a minimal convenience fee should be charged; and


WHEREAS, the Board of Commissioners creates an Enhanced Access Board with representatives as follows:

- Two members of the Washtenaw County Board of Commissioners expiring December 31, 2002
- A Technology Attorney from the Washtenaw County Bar Association for a term expiring December 31, 2002
- A Banking Community representative for a term expiring December 31, 2002
- The President of the Home Builders Association or designee for a term expiring December 31, 2003
- The Information & Technology Services representative of Eastern Michigan University for a term expiring December 31, 2003
- The Information & Technology Services representative of University of Michigan for a term expiring December 31, 2003
- A Washtenaw Development Council representative for a term expiring December 31, 2003
- A representative of the Michigan Townships Association for a term expiring December 31, 2003
- The City of Ann Arbor Administrator or designee for a term expiring December 31, 2004
- The City of Ypsilanti Administrator or designee for a term expiring December 31, 2004
- The County Administrator or designee for a term expiring December 31, 2004
- The County Clerk/Register of Deeds or designee for a term December 31, 2004
- The Trial Court Chief Judge or designee for a term December 31, 2004; and

WHEREAS, this matter has been reviewed by Corporation Counsel, Information and Technology Services, the County Administrator's office and the Ways & Means Committee

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby amends the Enhanced Access to Public Records policy to include e-Government convenience fee structure and create an Enhanced Access Board, as attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Board of Commissioner shall make the appointments to the Enhanced Access Board at their March 6, Board session upon adoption of the Enhanced Access to Public Records Policy and directs the County Administrator to solicit representation for the Board's consideration.


	WASHTENAW COUNTY POLICY	GENERAL OPERATIONS - VOLUME I			
TITLE: <i>Enhanced Access to Public Records</i>	RESOLUTION NUMBER	SUPERCEDE: 98-0082	EFFECTIVE DATE 3/6/02	PAGE OF 1 of 6	

I. Application:

This policy is established pursuant to the authority of the Enhanced Access Records Act, 1996 P. A. 462 and it does not amend or change any Washtenaw County policy related to the Freedom of Information Act.

II. Definitions:

- A. "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.
- B. "Computerized Information System (CIS)" means an information unit or network capable of producing customized CIS output based upon a digital representation of data.
- C. "Person" means that term as defined in section 2 of the Freedom of Information Act, ACT No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.
- D. "Public Body" means that term as defined in section 2 of the Freedom of Information Act, ACT No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.
- E. "Public Record" means that term as defined in section 2 of the Freedom of Information Act, ACT No. 442 of the Public Acts of 1976, being section 15.232 of the Michigan Compiled Laws.
- F. "Software" means that term as defined in section 2 of the enhanced access to public records act, Act No. 462 of the Publics Acts of 1996, being section 15.442 of the Michigan Compiled Laws.
- G. "Reasonable fee" means a charge which will be calculated to enable Washtenaw County to recover over time those operating expenses directly related to the public body's provision of enhanced access.
- H. "Operating expenses" includes, but is not limited to, a public body's 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 time, and the actual cost of supplying the information or record in the form requested by the purchaser.
- I. An eGovernment Service Transaction is defined as an online method of requesting a County service and payment of such service. A County Service is defined as a product, good or service provided by Washtenaw County.***


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I. Authorization:

- A. Pursuant to 1996 P. A. 462, all Washtenaw County government public bodies may provide enhanced access for inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure
- B. This policy does not require a public body to provide enhanced access to any specific public record.
- C. County elected officials, department heads, agencies, boards, commissions and councils legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of public record shall select which public records may be made available through enhanced access.
- D. Principles and policies to be considered in determining which records shall be made available through enhanced access include, but are not limited to the following:
 - 1. Management principles applied to information resources should be the same as those applied to other governmental resources.
 - 2. Elected officials, department heads, agencies, boards, commissions, councils and other County public bodies legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record who have the responsibility, authority and accountability for the management of public record information.
 - 3. Information resources investments must be driven by legal, programmatic and governmental requirements.
 - 4. Washtenaw County government, in trust for the people of Washtenaw County, has a duty to ensure ownership of information products, and County created intellectual property is protected and maintained.

IV Fees:

- A. It is the policy of Washtenaw County to charge a reasonable fee which will be calculated to enable Washtenaw County to recover over time those operating expenses directly related to the public body's provision of enhanced access for providing enhanced access to a public record **or County service transacted online.**
- B. It is the policy of Washtenaw County to charge a reasonable fee for providing enhanced access to either a CIS or the output from that system.
- C. Specific fees for those identified public records that are available through enhanced access are identified in Attachment A.

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D. Specific fees for those eGovernment Service Transactions referenced in this Policy are identified in Attachment B.

D-E. It is the policy of Washtenaw County to review the specific fees identified in Attachments **A and B** on a semi-annual basis or on an as needed basis to ensure that these fees continue to reflect a reasonable fee structure.


E-F. Except as otherwise provided by act or statute, the Finance Department and the Department of Information and Technology Services or any work group designated by Administration shall establish a proposed reasonable fee(s) for each computerized public record made available through enhanced access or the output from a CIS. The proposed fee(s) or any adjustments to previously established fees shall be presented to and approved by the Board of Commissioners before they shall be effective.

F-G. Except as otherwise provided by act or statute, all persons shall be charged a reasonable fee approved by Board of Commissioners for enhanced access to a public record, access to a CIS, or the output from a CIS.

G-H. A public body may furnish access or enhanced access without charge or at a reduced charge if the public body determines that a waiver or reduction of 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:

1. The information is critical to public health or safety;
2. The information is required for non-profit research purposes such as academic or public interest research;
3. The information is required to meet legal, programmatic or government objectives;
4. The information explains the rights, entitlements and/or obligations of individuals;
5. The cost of administering the fees would exceed the revenue to be collected;
6. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users;
7. The reasonable fee established would limit the number of users enough to compromise achieving program or other government objectives.

H-I. Waiver or fee reductions shall be recommended by the elected official, department head, agency, board, commission, council, other County public body legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of the public records(s) in question. The waiver or fee reductions shall be approved by the office of Corporation Counsel prior to the award of that waiver or reduction.

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V. ENHANCED ACCESS BOARD:


The Enhanced Access Board shall consist of the following representation, with three year terms staggered for implementation:

- Two members of the Washtenaw County Board of Commissioners expiring December 31, 2002***
- A Technology Attorney from the Washtenaw County Bar Association for a term expiring December 31, 2002***
- A Banking Community representative for a term expiring December 31, 2002***
- The President of the Home Builders Association or designee for a term expiring December 31, 2003***
- The Information & Technology Services representative of Eastern Michigan University for a term expiring December 31, 2003***
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- A Washtenaw Development Council representative for a term expiring December 31, 2003***
- A representative of the Michigan Townships Association for a term expiring December 31, 2003***
- The City of Ann Arbor Administrator or designee for a term expiring December 31, 2004***
- The City of Ypsilanti Administrator or designee for a term expiring December 31, 2004***
- The County Administrator or designee for a term expiring December 31, 2004***
- The County Clerk/Register of Deeds or designee for a term December 31, 2004***
- The Trial Court Chief Judge or designee for a term December 31, 2004***

The Enhanced Access Board shall follow the policy considerations as outlined in Attachment C and report back to the Board of Commissioners quarterly.

VI. Disclaimer:

- A. Recipient of access or enhanced access receive all information "AS IS". The County of Washtenaw, its officers, officials, employees, agents, volunteers, contractors and public bodies, 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. Washtenaw County shall not be responsible for any complaints or other legal actions filed against a recipient based in whole or in part on information received by the recipient under this Policy. Recipients are solely responsible for investigating, litigating and settling such complaints or other legal action, including the payment of any damages or costs. The Washtenaw County Board of Commissioners may, however, by Resolution, elect to participate in the litigation or other legal action at County expense.
- B. Except for the Board of Commissioners, by resolution adopted by a majority of those elected and serving, no officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the County or one of its public bodies.

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**ENHANCED ACCESS TO PUBLIC RECORDS
ATTACHMENT A**

Public Record
County GIS Base Map

Access Fee
\$.80 per parcel for 8 base map layers with a \$10 minimum charge (Cities, Villages and Township GIS Agreement).

Register of Deeds

\$12,000 per year for dial in access with unlimited access to recorded documents; and printing of documents

\$3,000 Per additional hook-up as a one-time fee. (maximum of three per title company)


WITH DIAL- IN ACCESS	WITHOUT DIAL- IN ACCESS	SINGLE UNIT
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Compact Disks
Microfilm

\$1,200/year	\$13,500/year	\$220/CD
\$5,000/year	\$18,000/year	\$130/roll

Aerial Photo Digital Files


\$250 per reproducible tile

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***Online Access to eGovernment Service Transactions
Attachment B***

<i>Mandated / Statutory Fees</i>	<i>Associated Convenience Fees per Transaction</i>
<i>Up to \$15.00</i>	<i>\$2.00</i>
<i>\$15.01 - \$25.00</i>	<i>\$3.00</i>
<i>\$25.01 - \$50.00</i>	<i>\$4.00</i>
<i>\$50.01 - \$75.00</i>	<i>\$5.00</i>
<i>\$75.01 - \$100.00</i>	<i>\$6.00</i>
<i>\$100.01 - \$150.00</i>	<i>\$7.00</i>
<i>\$150.01 - \$200.00</i>	<i>\$8.00</i>
<i>\$200.01 - \$250.00</i>	<i>\$9.00</i>
<i>\$250.01 - \$300.00</i>	<i>\$10.00</i>
<i>\$300.01 - \$400.00</i>	<i>\$13.00</i>
<i>\$400.01 - \$500.00</i>	<i>\$15.00</i>
<i>\$500.01 and up</i>	<i>3% of Total</i>

The Convenience Fees indicated are the maximum amounts that will be charged for eGovernment Service Transactions.

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ATTACHMENT C

POLICY CONSIDERATIONS FOR ENHANCED ACCES BOARD ON E-GOVERNMENT
CONVENIENCE FEES

1. No currently free service should have a fee imposed without the express permission of the Board of Commissioners.
2. All types of services that currently have a fee should retain a mail-in capability with a download capability (pdf) without incurring an additional fee.
3. The Enhanced Access Board shall establish criteria for reviewing the different types of fee-based services as their first order of business and report back to the Board of Commissioners.
4. ***No fee shall be imposed for Washtenaw E-Government Services without a determination of the Enhanced Access Board.***