

MARSHALL COUNTY ORDINANCE NO. 2008-4

AN ORDINANCE TO
ESTABLISH FEES FOR ELECTRONIC DATA PROCESSING

WHEREAS, Marshall County has expended over two million dollars over the years in hardware, software, aerial photography, soil testing, as well as labor expenses for establishing, maintaining, upgrading, and enhancing numerous electronic and digital data, the breakdown and summary of such investment having been presented to the Board of Commissioners; and

WHEREAS, pursuant to Indiana Code 5-14-3-8, the County Auditor may charge a fee, uniform to all purchasers, for providing computer tape, computer disc, electronic maps and other electronic data that is based upon a reasonable percentage of the cost of maintaining, upgrading, and enhancing such electronic data; and

WHEREAS, requests for enhanced electronic data, data that is not commonly available and provided by the County and which requires County services outside of the normal duties of County personnel, and which includes providing electronic data that is not typically provided as part of a County employees normal and ordinary duties and services, are included as direct costs for maintaining, upgrading and enhancing said electronic data; and

WHEREAS, the Marshall County Board of Commissioners desires to establish Specific fees based upon a reasonable percentage with regard to providing such electronic data described above.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Marshall County, Indiana, that the County Auditor charges the following fees for such electronic data and that the following procedures are hereby established:

1. The production of electronic data and the electronic maps that require the geographic information systems manager or his designee to assemble data sets or complete specific analysis requests constituting enhanced electronic data and/ or to provide additional layers for said enhanced electrical data shall be charged in accordance with Fee Schedule A — Enhanced Digital GIS Data Fee attached hereto and made a part hereof.

2. The production of paper maps shall be charged in accordance with Fee Schedule B — Enhanced Paper Map Fees attached hereto and made a part hereof.

3. The production of paper maps shall be charged in accordance with Fee Schedule C — Paper Map Fees attached hereto and made a part hereof, which said fees shall continue to be deposited in the "Plat Mapping Fund" previously created and governed by the appropriate bodies in the County.

4. The procedure for requesting the enhanced, special or extraordinary electronic data is to submit a request in Writing to the IT Department. Said request should specify the data needed and the format needed. The request should indicate who would be disseminating the information. The IT Department may provide a form to be completed for such requests. The IT Department, or IT Department's designee, after reviewing the request, shall determine Whether the information can be provided and after the individual requesting the information has verified that the proposed information to be provided by the County satisfies the request, said information will be provided by the time designated by the IT Department. Payment of said enhanced data or a deposit for customized enhanced data shall be made at the time the request is submitted.

5. Anyone requesting to purchase or secure the electronic data that is the subject herein will be required to sign a disclaimer and all of the other papers required by the IT Department.

6. The information proposed above are not documents or records which are subject to a request and for which a copy fee for actual costs are required for providing such records. Rather, it is contemplated the electronic data and other information to be provided is that electronic data and other information over and above such information ordinarily maintained by the County. If the request for electronic data is no more than a public access request for electronic data kept in the ordinary course of business, then the production of said information will be in accordance with the fees normally charged for copying and production of such public access documents and the actual costs incurred.

7. County officeholders and department heads, City of Plymouth officials, and the Towns within the county are exempt from the payment of the enhanced fees ordered herein.

8. Nothing herein shall be construed to require any employee of Marshall County to provide information contained on or within a public document of any agency or department by telephone. All requests shall be submitted in written form.

9. Payment for the information and data to be provided under this Ordinance shall be made at the time of the request, which payment shall be made in the Auditor's Office. Any person or company, or their designee who fails to pay the charges shall be liable for the charges, plus interest, attorney fees, and costs of collection.

10. Nothing herein shall compel any office to charge a fee for copies, data or information imposed by this Ordinance which is contrary to State law. The State statute shall apply.

11. Pursuant to provisions of Indiana Code 5-14-3-3(c), no person who receives enhanced electronic data other than those authorized by Marshall County may reproduce, store, grant access, deliver or sell any information obtained from any Marshall County department or office to any other person, partnership, or corporation for commercial purposes. Any person who receives information or data from the County shall not be permitted to use any mailing lists, addresses, or data basis for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods, services, or to sell, loan, gift, or otherwise deliver the information obtained by the request to any other person.

12. Any person who violates the terms and conditions of this Ordinance by failing to pay or by violating paragraph 13 herein, shall be guilty of an infraction and may be fined up to Two Thousand Five Hundred Dollars (\$2,500.00). In the event there is a violation of the prohibition for disseminating information as prohibited in paragraph 13, each violation shall be deemed a separate offense.

13. The County Auditor shall place all revenue received under Schedules A and B of this Ordinance in a dedicated fund for use in maintaining, upgrading, and enhancing the County's electronic geographic information system. This fund called the "Enhanced Technology Fee Fund" shall be subject to appropriation by the Marshall County Council.

14. Any person who has a dispute or seeks relief from the terms of this Ordinance may seek a resolution of that dispute or relief from the Board of Commissioners of Marshall County.

15. This Ordinance shall become effective on the 1st day of March, 2008.

Passed and adopted by the Marshall County Board of Commissioners, on this
17th day of March, 2008.

MARSHALL COUNTY BOARD
OF COMMISSIONERS