

COUNTY OF MONTEREY
Geographic Information Systems (GIS) Data Distribution Policy

A. INTRODUCTION

The County of Monterey has expended significant time and resources to build a Geographic Information Systems (GIS) database to enable its various departments to serve the citizens of the County and region. A GIS database cannot be commercially purchased; it must be built up over time and constantly maintained and updated. GIS databases, like that created by the County, is an endeavor which is beyond the ability of most smaller public and private entities.

The County's GIS database contains information that is responsive and focused on its government purposes. Some of the data stored within the GIS database can also be beneficial to businesses, individuals, and other local governments. However, the GIS database also contains information which should be considered and treated as confidential and security sensitive.

The County desires to make the non-confidential and non-security sensitive– GIS data available to public and private entities, in order to minimize redundancies and achieve economic efficiencies. The County also desires to make these GIS data bases available by the most expeditious and efficient means possible. Allowing interested parties to download said data from the County's website is both convenient to the public while having minimal impact to staff workload.

Accordingly, the Board of Supervisors has adopted this Distribution Policy.

B. FINDINGS

The Board of Supervisors finds that it is in the best interests of the County and the citizens to allow public and private persons and entities to use portions of the County's GIS Database.

C. AUTHORITY

This policy is adopted in consideration of the provisions of the California Public Records Act (Government Code §6250 *et seq.*, including sections 6254.9), requiring release of certain government records but at the same time allowing a public agency to sell, lease, or license computer software developed by the agency for commercial or non-commercial purposes.

D. INTENT

The intent of this GIS Database Distribution Policy is to make portions of the data within the County's GIS database available to the public at no cost

E. CATEGORIES OF ACCESS

- 1. Confidential/Security Sensitive.....Cannot be distributed.
- 2. Everything else..... Must be distributed.

F. CATEGORIES OF FEES SCHEDULES

If a requesting party requests that the County create a document, perform custom assembly of data, merge documents, compile County GIS Data layers, or custom cartography, data filtering, clipping or parsing, overlay analysis, data development, or any other unique service, any and all charges will be based upon established County rates for the respective fiscal year and will be no different from those charged to any and all customers. The requesting party shall pay for the charges which represent the County recovery of no more than the costs of preparing the documentation as authorized pursuant to Government Code section 6254.9.

If a requesting party engages in self-service through the County website to assemble and compile data from the County without assistance from County personnel, the above charges shall not apply.

All required fees shall be payable to the County of Monterey and allocated to the Monterey County Information Technology Department to defray in part the costs of maintaining and enhancing the County GIS Database. A copy of all special requests as described above will only be retained for a period of 15 calendar days past production and then will be erased, deleted and/or destroyed. Any request received within that timeframe for the identical information would be available at the copy rate, and any deviation or request after the set time period would result in the 'creation' fee.

G. STANDARD TERMS AND CONDITIONS

All parties downloading County's GIS data shall digitally acknowledge the County's limited liability (Attachment 3) statement before being permitted access to the data base.

H. AGREEMENTS WITH PUBLIC ENTITIES

Adoption of this GIS Distribution Policy does not preclude the County from entering into agreements, including joint powers agreements, with other public entities designed to develop policies and practices that affect the governmental objectives of the County and its various departments. Entry into such agreements may include the provision of access to portions of the County's GIS Database as a form of consideration or in lieu contribution and shall not automatically require the payment of additional fees. All such agreements,

however, shall require consultation with the Monterey County Information Technology Department and the approval of the Board of Supervisors.

I. AGREEMENTS WITH PRIVATE (INCLUDING PRIVATE NON-PROFIT) ENTITIES

The proposed entry into an agreement with a private entity, including a private non-profit entity, shall be presumed to require compliance with this GIS Policy. Any proposed agreement between the County and a private entity (other than an agreement whereby the County is contracting with the private entity to perform services on behalf of the County) shall address the issue of compliance, including any justification for waiving some or all of this GIS Policy.

J. PROVISIONS FOR ALL AGREEMENTS ALLOWING ACCESS TO COUNTY GIS DATABASE

All agreements wherein access to the County GIS Database is permitted shall contain appropriate disclaimer and limited warranty/liability language.

K. IMPLEMENTATION RESPONSIBILITY

All Departments shall comply with this Policy. The Information Technology Department shall be primarily responsible for implementing the policy and collecting copies of all agreements otherwise providing access to the County GIS Database, and reviewing the terms thereof with appropriate departments.