

# CITY OF MARQUETTE, MICHIGAN

## CITY COMMISSION POLICY

Policy Number: <b>2002-02</b>	Revision Date:
Date Adopted: March 11, 2002	
Department: City Clerk	

**SUBJECT: ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

**PURPOSE:** Established pursuant to the authority of the Enhanced Access to Public Records Act, 1996, P.A. 462

**POLICY:**

1. 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. "Geographical information systems" means an informal unit or network capable of producing customized maps based on a digital representation of geographical data.
- C. "Person" means that term 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 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 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 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.

2. Authorization

- A. Pursuant to 1996 P.A. 462, the City of Marquette 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.
- B. This policy does not require the City of Marquette to provide enhanced access to any specific public record.
- C. City elected officials, employees, agencies, boards, and commissions legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record shall select which public records may be made through enhanced access.
- D. Principles and policies to be considered in determining which public 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. City elected officials, employees, agencies, boards, and commissions legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record have the responsibility, authority and accountability for the management of public record information.
  - 3. The City of Marquette has a duty to ensure ownership of information products and city created intellectual property is protected and maintained.

3. Fees

- A. It is the policy of the City of Marquette to charge a reasonable fee for providing enhanced access to a public record.
- B. It is the policy of the City of Marquette to charge a reasonable fee for providing access to:
  - 1. A geographical information system.
  - 2. The output from a geographical information system.
- C. “Reasonable fee” means a charge calculated to enable the City of Marquette to recover over time only those operating expenses directly related to the provision of enhanced access.
- D. “Operating expenses” includes, but is not limited to, the City of Marquette’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.

- E. Except as otherwise provided by act or statute, the City Manager shall establish a proposed reasonable fee(s) for each public record made available for enhanced access or for access to a geographical information system or the output from a geographical system. The proposed fee(s) shall be presented and approved by the Marquette City Commission before they shall be effective.
- F. Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the Marquette City Commission for enhanced access to a geographical information system or the output from a geographical information system.
- G. A public Body may furnish access or enhanced access without charge or at a reduced charge if it is determined 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. 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 governmental objectives;
  - 4. The information explains the rights, entitlements and/or obligations to 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 governmental objectives.
- H. Waiver or fee reductions shall be decided by elected officials, employees, agencies, boards, or commissions legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record(s) in question.

4. Limitations and Disclaimer

- A. This policy does not require the City of Marquette, or any of its elected officials, department heads, agencies, boards, commissions, or other persons to provide enhanced access to any specific public record if such public record has not been selected for enhanced access availability pursuant to 2(C) of this policy.

- B. Recipients of access or enhanced access receive all information “AS IS.” The City of Marquette, its officers, officials, employees, agents, volunteers, contractors or its 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. Recipients are solely responsible for investigating, resisting, litigating and settling such complaints, including the payment of any damages or costs, unless the Marquette City Commission, by resolution adopted by a majority of those elected and serving, elects to participate in the process at the City’s expense.
  
- C. Except for the Marquette City Commission, 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 City of Marquette.