

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF CLINTON COUNTY AND THE CLINTON COUNTY COUNCIL
ESTABLISHING FEES FOR ELECTRONIC DATA PRODUCTS AND SERVICES;
RESTRICTING COMMERCIAL REPRODUCTION OF ELECTRONIC DATA;
AND ESTABLISHING ELECTRONIC MAP GENERATING FUND**

Findings

The Board of Commissioners of Clinton County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-3-8(a)(6). Indiana Code 5-14-3-2 defines the "direct costs" that may be charged by a unit for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval. Indiana Code 5-14-3-8(g) establishes a fee that a public agency may charge to copy and provide duplicate records and records maintained in electronic medium. Indiana Code 5-14-3 provides that the fiscal body shall adopt an Ordinance to establish a fund for the deposit and use of funds collected for duplication of electronic data.

The Board of Commissioners of Clinton County desires to amend the Clinton County Code by the addition of a new section for the purpose of establishing fees for electronic data products and services; restricting commercial reproduction of electronic data; and establishing electronic map generating fund.

The Clinton County Council desires to approve the terms of this Ordinance to conform with the provisions of Indiana Code 5-14-3.

**NOW, THEREFORE, IT IS ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE COUNTY OF CLINTON, OF THE STATE OF INDIANA,
AND BY THE CLINTON COUNTY COUNCIL, AS FOLLOWS:**

Section One. The Clinton County Code is hereby amended by the addition of a new section, as follows:

**§32.33 FEES AND CHARGES REGARDING ELECTRONIC DATA PRODUCTS
AND SERVICES.**

(A) *Definitions.*

1. "Uniform Schedule" means the established uniform schedule of charges and fees that Clinton County shall charge for the provision of products and services to the general public for plots, data dissemination and data analysis.

2. "Small Data Sales" shall mean and include any maps or data requests that require data import, data creation or map layer creation for precise areas or precise selected data.
3. "Large Data Sales" shall mean any maps or data requests that require data import, data creation or map layer creation for any individual or entire Clinton County.

(B) *Schedule of Fees and Charges – Small Data Sales.* Small data sales shall be billed on a time and material basis. The fee for each such data request shall include the following:

1. An initial charge of \$15 per request as the minimum contribution toward the county's cost of hardware, software, collection and maintenance of the electronic stored data.
2. A charge of \$25 per hour to partially compensate the county for labor costs, including benefits, and overhead costs for storing and maintaining the data, rounded up to the nearest quarter hour.
3. The following shall be charged for inkjet plotter costs. These charges will be based on the width of the stock paper available at the Department times the length used, and not the size of the original:

High gloss white film or matte film	\$3.00 per square foot
High gloss photo paper	\$0.90 per square foot
Coated paper or heavy coated paper or natural tracing paper	\$0.50 per square foot

4. Electronic data reproduced on laser, ink jet printing, or any other copies shall be sold as follows: per sheet per side.

Page Size	Lines Only	Full Color
8-1/2 x 11	\$0.25	\$1.00
11 x 17	\$0.25	\$2.00
17 x 22	\$2.00	\$5.00
22 x 34	\$4.00	\$10.00
34 x 44	\$6.00	\$20.00
28 x 40	\$5.00	\$15.00
18 x 18	\$2.00	\$5.00

5. One dollar per page of copies of microfilmed documents maintained by the county.
6. USB drive, cost of USB drive. For security reasons only a County provided drive may be used.

7. Seven dollars per blank CD or DVD.
8. For any other medium, the charge shall be the county's direct cost, rounded up to the next high full dollar.

(C) *Schedule of Fees and Charges – Large Data Sales.* The fees for the purchase of individual or the entire Clinton County GIS data layers shall be as follows: (please note the following is for vector, raster formats)

<u>DATA LAYER</u>	<u>DESCRIPTION</u>	<u>PRICE</u>
Cadastral	Parcel	\$300 for countywide data
Topography	2' Contours	\$300 for countywide data (When it becomes available.)
Digital Orthophotography	2005/2011	\$1.00 per tile
Water Features	Surface water features, rivers, Lakes, ponds, streams	\$300 for countywide data
Transportation	Public roads, streets, bridges, Airports, railways	\$300 for countywide data
Boundaries	County, City, Townships	\$300 for countywide data
Section Corners	Surveyors	No Charge
Soils	USDA	No Charge
Election	Voting Precincts/ Elected Official Districts	\$300 for countywide data

The charges set forth above shall permit the purchaser of the data to purchase updates every 6 months or upon request, subject to availability at \$300/per request.

(D) *Reimbursement for Mailing Costs* (not including copy costs).

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|------------------------------------------------------------------------|------------------|
| 1. Less than or equal to 4 oz.
for envelope and postage; | \$0.50 |
| 2. First class greater than 4 oz.,
and less than or equal to 2 lbs. | \$5.00 |
| 3. All other | cost plus \$5.00 |

(E) *Limitation on Enhanced Access.* Nothing herein shall be construed to require any employee of Clinton County to create information that is not contained in a readily available public document. Department heads and elected officials may, but are not required to electronically create and release information that is not already publicly available.

(F) *Telephone Requests.* Nothing herein shall be construed to require any county employee to provide information contained on or within a public document of an agency or department by telephone. Department heads and elected officials may, but are not required to, take requests for documents by phone.

(G) *Court Records Limitation.* In compliance with Indiana Administrative Rule 9 Section F, employees of Clinton County are prohibited from providing bulk court records or compiled court information in electronic format.

(H) *Methods of Payment.*

1. Payment for information under this section shall be made at the time of delivery.
2. However, an office may agree to invoice a person for the charge, if that person or company has promptly paid invoices in the past.
3. Any person, or their designee, requesting data shall be liable for the total charges for the request.
4. Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.

(I) *Conflicts with State Statute.*

1. Nothing herein shall compel any office to charge a fee for copies, if the fee imposed by this section is contrary to state law.
2. In the event the fees in this section are contrary to any charges established by state statute, the state statute shall apply.

(J) *Restriction.*

1. Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access, deliver, or sell any information obtained from any department or office of the county to any other person, partnership or corporation.
2. In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods or services, or to sell, loan give away or otherwise deliver the information obtained by the request to any other person.

(K) *Posting of Restriction.*

1. A copy of division (J) shall be conspicuously posted in all offices where electronic data is sold.
2. The restriction contained in division (J) shall apply to any persons who obtain copies of any public information from the county.

(L) *Penalty.*

1. Any person who violates the terms and conditions of this section, by failing to pay or violating division (J), shall be guilty of an infraction and may be fined up to \$2,500.00.
2. Each violation of division (J) shall be deemed a separate offense.

(M) *Establishment of Electronic Map Generation Fund.* Pursuant to IC 5-14-3-8.3, the Clinton County Council hereby establishes the Clinton County Electronic Map Generation Fund. All funds in the Electronic Map Generation Fund shall be used only for the purposes set forth in IC 5-14-3-8.5 and shall be subject to appropriation by the Clinton County Council.

(N) *Depositing of Fees.* All fees collected under this section shall be deposited in the Electronic Map Generation Fund as established herein.

(O) *No Charge for Units of Participating Government.* Any unit of government within Clinton County which has provided electronic data used by Clinton County to create the electronic data covered by this section, shall receive copies of the data for that unit's exclusive use free of charge.

(P) *Relief.*

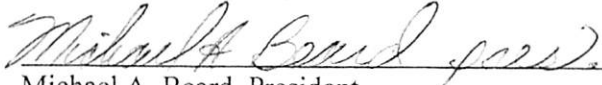
1. Any person or unit of government who has a dispute, or seeks relief from the terms of this section, may seek resolution of that dispute or relief from the Board of Commissioners of Clinton County.
2. The Board of Commissioners may grant such relief as is reasonable after recommendation of the Clinton County Surveyor.

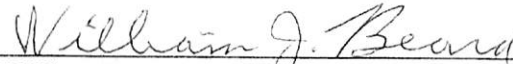
Section Two. Effective Date. This ordinance shall be deemed effective upon its adoption, an emergency being declared.

Section Three. Distribution. The Auditor shall distribute copies of this ordinance to all officers, department heads and employees.

ADOPTED by the Board of Commissioners of Clinton County with unanimous consent to its consideration on the date of its introduction on the 21³¹ day of December, 2012.

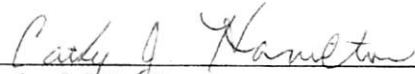
BOARD OF COMMISSIONERS OF
CLINTON COUNTY, INDIANA


Michael A. Beard, President


William J. Beard, Member

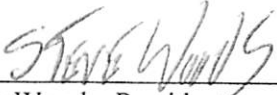

George F. Evans, Member

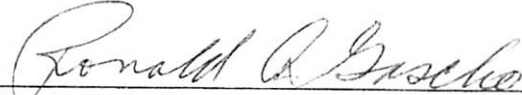
ATTEST:

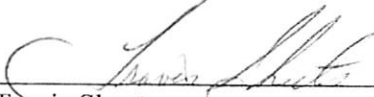

Cathy J. Hamilton
Auditor of Clinton County


PRESENTED to The Clinton County Council and **APPROVED** upon first reading after unanimous consent to its consideration on the date of its introduction this 21 day of December, 2012.

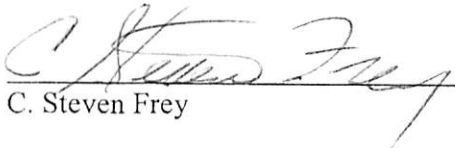
THE CLINTON COUNTY COUNCIL

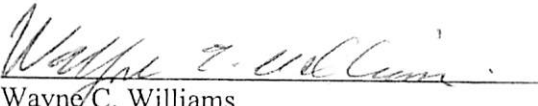

Steve Woods, President


Ronald A. Gascho

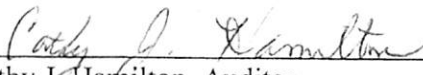

Travis Sheets


Alan Dunn


C. Steven Frey


Wayne C. Williams

ATTEST:


Cathy J. Hamilton, Auditor