

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN
RESOLUTION**

Enhanced Access Policy

At a regular meeting of the Charter Township of Union Board of Trustees held on the 13th day of September, 2006, the following members were:

Present: McDonald, Horton, Supka, Collin, Alwood, Verwey, Henry

Absent: None

A Resolution outlining policies for providing enhanced access to public records.

WHEREAS Public Act #462 of 1996, the Enhanced Access to Public Records Act, allows public bodies to provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure; and

WHEREAS certain cities, villages and townships, corporations, and companies may share data through the Township's geographic information system (GIS); and

WHEREAS Charter Township Union staff, along with Counsel, have drafted such a policy and recommend that the Charter of Union Township Board hereby adopts the attached Charter Township of Union to Public Records Policy, in accordance with the Enhanced Access to Public records Act, 1996 P.A. 462.

BE IT FURTHER RESOLVED that before the Charter Township of Union makes available on its Enhanced Access Program any data belonging to any city, village or township other than to Charter Township of Union, that the applicant must first obtain written permission from that city, village or township to do so .

THE FOREGOING RESOLUTION was offered by Verwey and supported by Supka.

The Township Board Voted as follows:

Ayes: Verwey; Collin, Horton, McDonald, Supka, Alwood and Henry.

Nays: None

Abstentions: None

**THIS RESOLUTION DECLARED ADOPTED.
CLERK'S CERTIFICATE**

The undersigned, being the duly qualified and acting Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the Township Board of Trustees at a regular meeting on the 13th day of September, 2006, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records of my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended); and (4) minutes of this meeting were kept and will be made available as required thereby.

Certification Date

Margie Henry, Clerk

ENHANCED ACCESS TO PUBLIC RECORDS POLICY

CHARTER TOWNSHIP OF UNION

May 22, 2002

This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462.

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 system" means an informational unit or network capable of producing customized maps based upon a digital representation of geographical 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 Public Acts of 1996, being section 15.442 of the Michigan Compiled Laws.

2. AUTHORIZATION

- A. Pursuant to 1996 P.A. 462, all Charter Township of Union public bodies 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. [Sec.3 (1) (a); Sec.3 (3)].
- B. This policy does not require a public body to provide enhanced access to any specific public record. [Sec. 3(4)].

- C. Charter Township of Union 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 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.) Elected officials, department heads, agencies, boards, commissions, councils and other township public bodies 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.) Information resources investments must be driven by legal, programmatic and governmental requirements.
 - 4.) Charter Township of Union government, in trust for the people of Union Township, has a duty to ensure that ownership of information products and Township created intellectual property is protected and maintained.

3. **FEES**

- A. It is the policy of Charter Township of Union to charge a reasonable fee for providing enhanced access to a public record. [Sec.3(1) (b)]
- B. It is the policy of Charter Township of Union to charge a reasonable fee for providing access to:
 - (i) A geographical information system.
 - (ii) The output from a geographical information system.
- C. “Reasonable fee” means a charge calculated to enable Charter Township of Union to recover over time only those operating expenses directly related to the public body’s provision of enhanced access.
- D. “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 enhance 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 Township staff 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 form a geographical information system. The proposed fee(s) shall be presented to and approved by the Township Board 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 Township Board for enhanced access to a public record or for 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 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. 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 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 governmental objectives.

- H. Waiver or fee reductions shall be decided 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 record(s) in question. The waiver or fee reductions shall be approved by the Township Board prior to that waiver or reduction.

4. DISCLAIMER

- A. Recipients of access or enhanced access receive all information “AS IS”. The Charter Township of Union, 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 Charter Township of Union, by resolution adopted by a majority of those elected and serving, elects to participate in the process at the Township’s expense.

- B. Except for the Township Board, 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 Township or one of its public bodies.