



Southern Clinton County Municipal Utilities Authority

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Enhanced Access to Public Records Policy

PURPOSE:

Pursuant to the Michigan Enhanced Access to Public Records Act, MCL 15.441 *et seq.* (the "Act"), Southern Clinton County Municipal Utilities Authority (the "SCCMUA") establishes this Policy imposing reasonable fees to recoup the costs related to enhanced access requests, especially since these requests involve information assembled, maintained, stored, and kept by SCCMUA at great cost and could result in an unusually high cost to SCCMUA. Therefore, SCCMUA will charge reasonable fees to recover the costs of providing the enhanced access to public records, in accordance with this Policy and the Act.

AUTHORIZATION

- A. Pursuant to the Act, SCCMUA establishes this Policy in order to provide enhanced access for the inspection, copying, or purchasing of certain public records that are not confidential or otherwise exempt by law from disclosure.
- B. This Policy does not require SCCMUA to provide enhanced access to any specific public record other than those identified herein.
- C. SCCMUA may make the following public records available for enhanced access:
 1. Purchase order information;
 2. GIS records.
- D. The enhanced access provided by SCCMUA entails placing all or a portion of a public record listed above on electronic media or in a digital format compatible with SCCMUA's computer equipment and the requestor's preference for delivery or disclosure.

DEFINITIONS:

1. Enhanced Access: 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.
2. Geographical Information System: an informational unit or network capable of producing customized maps based on a digital representation of geographical data.
3. 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 enhanced access, including the cost of computer hardware and software, system development, employee time and the actual cost of supplying the information or record in the form requested by the purchaser.

4. Person: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
5. Public Body: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
6. Public Record: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
7. Reasonable Fee: a charge calculated to enable a public body to recover, over time, only those operating expenses directly related to the public body's provision of enhanced access.
8. Software: a set of statements or instructions that, when incorporated in a machine-usable medium, is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task or result.

FEES:

- A. It is the policy of SCCMUA to charge a reasonable fee for providing enhanced access to any of its public records. [Sec.3(1)(b).]
- B. "Reasonable fee" means a charge calculated to enable SCCMUA to recover, over the estimated effective life of the technology, not more than those operating expenses directly related to its provisions of enhanced access.
- C. "Operating Expenses" include, but are not limited to, SCCMUA'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.
- D. Except as otherwise provided by statute, SCCMUA shall establish a proposed reasonable fee or fees for each class of public record made available for enhanced access or for access to a geographical information system or the output from a geographical information system. The proposed fees shall be presented to the SCCMUA Board of Commissioners before they shall be effective.
- E. Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the SCCMUA Board of Commissioners for enhanced access to SCCMUA public records or for access to the SCCMUA geographical information system or the output from a geographical information system.

DISCLAIMER:

- A. Recipients of enhanced access public records receive all information "AS IS." SCCMUA, its officers, officials, employees, agents, volunteers, contractors, and public agencies make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a requestor's right of use.
- B. Enhanced access does not include the transfer of ownership of a public record.

- C. This Policy and the attached Fee Schedule are subject to amendment by the Board, including amendments that may be deemed necessary by the Board after SCCMUA receives a request for enhanced access that is not specifically or adequately addressed in this Policy or the attached Fee Schedule, in the Board's determination, since SCCMUA may receive specific requests for enhanced access that are not yet known or fixed, and this Policy and the attached Fee Schedule are intended to assure SCCMUA's ability to recover a reasonable fee for enhanced access under all the considerations above.

ENHANCED ACCESS FEE SCHEDULE

Exhibit A

1. SCCMUA will charge reasonable fees to recover the costs of providing enhanced access to public records.
2. The reasonable fees shall include, but not be limited to, the direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the pro-rated cost of computer hardware and software, system development, employee time, and any other actual costs incurred in creating, recording, storing, keeping and supplying the information or record in the form requested by the requestor.
3. When calculating employee time, SCCMUA shall utilize the actual wage (plus benefits) of the lowest paid employee capable of performing the task.
4. The SCCMUA shall estimate the reasonable fee for a request for enhanced access to public records in accordance with the foregoing and present the estimate to the requestor. Prior to SCCMUA incurring costs in response to the request, the requestor shall post a cash deposit with SCCMUA equal to at least ½ of the estimated cost of providing the enhanced access public records.
5. SCCMUA shall not provide the requested enhanced access to public records to a requestor until full payment therefor has been made to SCCMUA.
6. This Fee Schedule is subject to amendment by the Board, including amendments that may be deemed necessary by the Board after SCCMUA receives a request for enhanced access that is not specifically or adequately addressed in this Fee Schedule, since specific requests for enhanced access that SCCMUA may receive are not yet known or fixed, and the policy of this Fee Schedule is to assure SCCMUA's ability to recover a reasonable fee for enhanced access under all the considerations above.

Category	Data Set	Cost
Accounting System	Purchase Orders	.53 per record requested
Asbuilt	8 ½ x 11" (letter size)	\$3
	11x17" (tabloid size)	\$5
PDF Maps	8 ½ x 11" (letter size)	\$3
	11x17" (tabloid size)	\$5
Copies of a document		Applicable FOIA Policy
Non-paper Physical Media	Flash drive	\$10