

**LATAH COUNTY, IDAHO, ORDINANCE NO. 282**  
**GIS ORDINANCE**

WHEREAS, the Board of Commissioners of Latah County, State of Idaho is the duly elected governing body of Latah County, a political subdivision of the State of Idaho, having such powers and duties as are set forth in the Constitution and Statutes of the State of Idaho; and

WHEREAS, Latah County has established a Geographic Information System (GIS) database which serves as the foundation for all mapping and geographic information systems application development performed by the County; and

WHEREAS, on July 2, 2003, the Board of Commissioners of Latah County passed Resolution 2003-09, setting forth fees for the purchase by the public of paper maps produced by Latah County as well as copies of digital data from the GIS database; and

WHEREAS, Latah County wishes to set forth a reasonable procedure for accepting requests for GIS data and considering variances from the same and establish an orderly framework for GIS development operations; and

WHEREAS, Latah County desires to implement measures to protect the GIS data from improper use or dissemination, as well as to protect the County from liability for any errors or discrepancies that may be contained in the GIS data; and

WHEREAS, Latah County desires to recover the incremental costs of providing the GIS data to the public and other agencies and a reasonable portion of the costs associated with the development, annual maintenance and dissemination of the GIS; and

WHEREAS, Idaho Code 31-875 provides that the Board of Commissioners of Latah County may impose and collect fees for those services and for development, maintenance and dissemination of digital forms of the GIS;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of Latah County, State of Idaho, pursuant to Idaho Code 9-338 (8) (a) and 31-875 that:

**Section 1: Repeal of Prior Ordinance**

1.01 Ordinance 257 is hereby repealed.

**Section 2: Notice of Copyright**

2.01 All data and maps assembled, created, maintained or published by Latah County are copyrighted by the same and all rights thereto are reserved by Latah County. Reproduction, digital conveyance, or other means of duplication, without express written permission, is strictly prohibited.

**Section 3: GIS Committee**

3.01 A GIS Committee is hereby established. Membership shall be comprised of a Latah County employee from each of the following offices and departments: Assessor's Office, Treasurer's Office, Sheriff's Office, Auditor's Office, Disaster Services Department, Weed Department, and Planning and Building Department. Said employees shall be appointed by their respective elected official or department head. In addition, the Board of County Commissioners may appoint other staff to the Committee as needed.

3.02 The Board of County Commissioners shall appoint one member of the Committee as Chair of the same. The committee, by a majority vote of those present at any meeting, may elect a vice-chair to act in the chair's absence.

3.03 The duties of the GIS Committee shall include:

- a) Oversight of the County GIS Development Plan
- b) Collaboration of GIS projects, grants and programs
- c) Presentation of regular reports to the Board of County Commissioners on the progress and needs of the County GIS
- d) Recommendations on GIS agreements and fee waivers as provided herein.

**Section 4: GIS Technical Group**

4.01 Employees directly involved in the day-to-day maintenance and operation of the County GIS shall be referred to as the GIS Technical Group. The Group shall implement plans developed by the Committee as may be authorized by the employee's respective elected official or department head, or ultimately by the Board of County Commissioners.

**Section 5: Paper Maps**

5.01 Paper maps created by the County GIS for sale to the public shall be subject to fees as adopted by resolution from time to time by the Latah County Board of County Commissioners. Paper maps shall be available for sale at the Assessor's Office, the Planning and Building Department, and such other locations as the Board of County Commissioners or GIS committee may designate.

## **Section 6: Online GIS**

- 6.01 In order to enhance public accessibility to the County's geographic data, the County may, but it is not required to, make available certain GIS datasets, parcel data and other information, on the Internet. The specific type(s) of data that will be made available on the Internet will be determined by the Board of County Commissioners with recommendations from the GIS Committee. For each type of data approved for inclusion in the on-line GIS system, the Board of County Commissioners shall also determine what fee, if any, would be appropriate. Fees for on-line GIS data shall be consistent with the fees assessed for other forms of County GIS data, and shall be sufficient to cover costs of developing, maintaining and disseminating the County's GIS data.
- 6.02 Use of any geographic data accessed via the County's on-line GIS program is subject to a "Subscriber Service Application" to be executed in each instance in a form substantially similar to the attached Exhibit A. The Chair of the GIS Committee or the Latah Assessor is hereby authorized to execute such agreements on behalf of Latah County.

## **Section 7: Computerized Mapping**

- 7.01 All requests for computerized GIS data shall be submitted to the Latah County Assessor's Office and shall be subject to the fees described in the resolution adopted by the Latah County Board of County Commissioners. Such requests are further subject to a "GIS Data License Agreement" to be executed in each instance in a form substantially similar to the attached Exhibit B. The Chair of the GIS Committee or the Latah County Assessor is hereby authorized to execute such agreements on behalf of Latah County.
- 7.02 Persons, organizations or agencies may propose to enter an agreement exempt from 7.01 of this ordinance to acquire County GIS data by submitting said proposal in writing to the GIS Committee, which shall forward a recommendation to the Board of County Commissioners. The agreement may be approved if the Board has determined the following:
- a) The County will receive GIS data from the proponent, or services related to the same, that is of comparable or equal value to that which is to be provided by the County.
  - b) The proponent is able to ensure that the data will be protected from improper or illegal use.
  - c) The benefits inuring to the County and the public outweigh the resulting revenue loss resulting from the fee waiver.

**Section 8: GIS Data owned by third parties**

8.01 Data stored by the County that is copyrighted by third parties shall not be conveyed electronically to the public or other agencies without the express written permission of the copyright holder.

**Section 9: Use of data for Emergency Response**

9.01 Nothing in this ordinance shall prohibit County employees, under the direction of an elected county official, from releasing copies of GIS data to agencies and personnel engaged in legitimate law enforcement activity, or any emergency response activities in response to floods, wildfires, acts of terrorism, riots or other similar disasters without first signing a license agreement and paying the applicable fees where such release is necessary to prevent imminent peril to life or property.

9.02 Under instances provided for in 9.01 of this ordinance, the employee(s) releasing the GIS data shall include written notification with the released GIS data that the use of the data is limited to emergency response actions and all other use is strictly prohibited without appropriate approval in accordance with this resolution. Within one month of the release, the GIS Committee shall report to the Board of County Commissioners the circumstances of the release and make any recommendations for future action.

**Section 10: Penalties**

10.01 In addition to any and all remedies available at law or in equity, each violation of the provision of this ordinance shall be a misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

**Section 11: Effective Date**

11.01 This ordinance shall take effect and be in full force and effect upon publication of a public notice in a newspaper of general circulation in Latah County, as prescribed by law.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Tom S. Stroschein, Chair

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John A. "Jack" Nelson, Commissioner

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Jennifer Barrett, Commissioner

ATTEST:

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Clerk/Deputy Clerk