

Lyon County GIS

Special Projects and Map Creation Policy *(for non-county departments)*

Adopted by the Lyon County Board of Commissioners on December 2nd, 2003

Special Project and Map Creation Policy

(for non-county departments)

Lyon County realizes the value of distributing GIS data and map information to the General Public of Lyon County. If another entity or member of the public wishes to have a custom project or map product created for their use Lyon County reserves the right to charge to recoup costs for staff time, office products, and mailing materials¹. Charges for maps that exist will only incur material costs, no staff time will be charged (see most current fee schedule). Charges are based on hourly wages for staff time and the labor additive which is the percent cost per employee per hour for benefits; (ie... health insurance, workers comp. insurance, PERA – employer, social security, liability insurance, vacation, sick leave, etc..) The labor additive varies from year to year based on actual costs (49%). Lyon County will adopt a fee schedule which may be adjusted annually to reflect periodic cost adjustments.

¹ **Cost for Data.** Government organizations may charge fees to provide copies of data, but they do not have carte blanche authority to determine what to charge and who to charge. Chapter 13 of Minnesota State Statute defines what fees, if any, may be charged and how to determine them, generally based upon a presumption that data availability is essential for open government. No charge is permitted for inspection of public data. In most cases, a government entity may assess a reasonable charge to recover the costs of searching for, retrieving, certifying, compiling and electronically transmitting copies of government data, including costs for employee time. These charges may not include costs for separating public data from not public data, purchase or maintenance of equipment, record storage or administration. State law only requires that electronic data be provided in its maintained format; a reasonable fee may be assessed for custom services, such as reformatting or processing into a form other than is used in the ordinary course of business. Except for the case of summarizing data, Chapter 13 does not affect charges for special requests. Fees that do not exceed the justifiable costs of meeting the request are recommended. Charges designed to recover the costs of developing and managing data are not allowed except under very specific circumstances specified in Chapter 13.03 Subdivision 3d. This *commercial value* provision allows for charging a “reasonable fee” in addition to the costs of making, certifying and compiling copies. The provision only applies to cases where the request involves a “substantial and discrete portion” of a database developed at “significant” expense. The cost to a county of converting property tax and land records from paper to electronic form is considered an appropriate development cost.⁶ Documentation that this reasonable fee relates to the actual data development costs is required. The documentation must be available upon request.