MINUTES
Enterprise GIS Steering Committee Meeting
Tuesday, February 19, 2008
10:00am to 11:45am
Conference Room C
900 S. Fremont Ave
Alhambra, CA 91803

Chair: Mark Greninger, CIO
Handouts: agenda

1) **10:00 am** **Meeting called to order - Mark Greninger, CIO**
2) **10:05 am** **GIS Activity Reports**
   a) **Training Update** (David Kwan, DHS) – GIS trainings are on hold; training information is posted on the eGIS website for further information. David informed that Urban Research will no longer support the arrangement of payments for GIS trainings for County Departments.
   ACTION ITEM: Mark will look into training arrangements with ESRI.
   b) **eGIS Web Site** (Mark Greninger, CIO) – Mark reported that WordPress, the blogging tool, has already been installed on the eGIS website and encourages members to go to the site for postings and eGIS related information.
   c) **Enterprise GIS Data** (Mark Greninger, CIO) – Mark reported that he is seeing more GIS layers on the GIS data sharing repository, but many layers still lack metadata to go along with the layers.
   ACTION ITEMS:
      1. Mark will send out data sharing list to all departments again
      2. Metadata discussion is due for the next or future meeting agenda
   d) **Strategic Plan Subcommittee** – skipped?
   e) **Positions Subcommittee** (Mark Greninger, CIO) – Mark briefly went over a few of the proposed GIS positions, stating that he is working with the CEO regarding salary surveys for the different GIS positions.
   ACTION ITEMS:
      1. Mark reminded Positions Subcommittee regarding meeting on Thursday, Feb. 21st and requesting members to please respond to email regarding GIS positions and comments regarding the positions.

3) **10:30 am** **County Counsel Support for GIS (Allison Morse, Deputy County Counsel)**
   1. Ms. Morse begins with a little history of her background and how it involves GIS and informed us about the new Contract Division within County Counsel.
   2. **NEW CONTRACT DIVISON within County Counsel:** The new Contract Division has 5 FTE positions consists of attorneys, IT professionals, dedicated to help the County with IT issues, large IT contracts and other IT related duties. They have an understanding of IT as well as GIS and know why things changes internally and externally within the County. Ms. Morse describes herself as a resource for the Contract Division and assist in legal issues and advices.
   3. **PUBLIC RECORDS ACT:** She then went on to discuss about the "Public Records Act." California Code Section 6250: In general, states that because what we do in government is related to the people, then what we produce is considered "Public Interest"; hence, it is "Public." (please refer to the end of the minutes for details of this State Law)
   4. **EXCEPTIONS TO THE PUBLIC RECORDS ACT:** In 1988 Section 6254.9 was added to the Public Records Act. This section talks about exceptions for County to share GIS software, CAD and Assessor maps. (Please refer to the end of the minutes for details of this State Law). GIS Software like ESRI ArcGIS, Microsoft MapPoint, Thomas Bros Transportation Line File or similar all falls within this exceptions to the Public Records Act.
   5. **HANDLING OF PUBLIC REQUESTS:**
      a. Timely response to the public request within 10 days.
      b. Upon receiving the request, the department has to determine if the layers or records are considered "Public" or not. Basically, if what we have is a hard copy or electronic format, then, it's a public record if they are normally public…however, if the requested information is not readily available, we are not required to reproduce the data. Software,

such as the GIS software from ESRI or Microsoft, was not created by the County, hence, we cannot share the software with the Public.

c. If the data is determined to be public and the information cannot be retrieved within 10 days, the department must respond to requestor stating that request(s) is being worked on and will be done within the next 14 days.

d. Although not stated, we as the holder of the data, are responsible for helping the public to come up with the request. We are responsible to clarify the request and obligated to help the users regarding the write up of the request.

6. **DISCLAIMERS:** County Department should include disclaimer on all products that is to be distributed to the public. Ask County Counsel regarding the language of the disclaimers in general, it should have the currentness and accuracy of the map product…phases like data is as current as of …no warranty of … and is given "as-is."
7. **COPYRIGHT:** However, you still have the right to copyright an idea, product and invention. There are 3 things that make up a copyright:
    a. Work of Authorship
    b. Must be Original
    c. Is a fixed and tangible medium of expression
8. Once all 3 conditions are satisfied, you have a copyright. You do not need to register it, but it is recommended, so the copyright can be enforced.
    a. PROS of a copyright - copyright can be retroactive
    b. CONS of a copyright – only what is original is protected. For example, the "data" that makes up a map is not protected by a copyright; however, the map "symbologies" can be copyrighted because of its uniqueness.
9. If the data or records are available as public, then, most likely, 99% of the time the GIS product that is made up of the data or derived from the data is Public. However, as the complexity of a product increases, so does its originality; therefore, each situation is different and sometimes it may be worthwhile to fight for.
10. If you have any questions regarding GIS Public Records issues, go to County Counsel and direct them to Allison for advice. For more information, please contact Ms. Allison Morse at (213) 974-1817, email: amorse@counsel.lacounty.gov
11. **Mark's reminder:** The Thomas Bros. Street Network contract with the County, this is a private contract and will not and should not be disclosed, as well as the LARIAC. Point's locations of clients are private and confidential. Personal medical records are private. Parcel Boundary and number is public, but all the other information for the parcels, like the addresses, ownership information, tax information, and etc., are considered private.

4) 11:15 am ITF Grant for Automated Vehicle Locating (AVL)-Mark Greninger, CIO

1. Mark is in the process of setting up an ITF Grant to contract Latitude Geographic to create the AVL that sits in the frontend of Geocortex IMF. There will be a one year pilot for testing this project; each department can choose 3 types of GPS devices to track. Please email Mark if you are interested in the ITF Grant or this project.
2. GPS devices:
    a. Dedicated GPS units
    b. PDA GPS
    c. Laptop with GPS
3. Fleet Tracker, Geocortex IMF demo site
    a. Shows vehicle locations, destinations, and tracks if someone crosses a "geofence" or boundaries.
    b. The site can track and log in different incidences based on
        i. Geofence rules – Area of interest, services areas, etc.
        ii. Destination rules
        iii. Speed rules

5) 11:35 am Open Discussion- Members

1. **Geocortex Statistics:** http://gis.lacounty.gov/statistics/
    a. Tracks and compiles the statistics of different map services requested from different map servers.
    b. Shows heat maps of different map services and requests
    c. It is a good and useful tool for trouble shooting different map services because it tracks the number of map requested, the average time it needs to draw a map, and etc.

2. **CAMS Updates:** The LA city point will be finished loading this week…it consists of a million points and will replace city points and assessor point.
3. **LANDBASE project:** The CEO will pay $2 million to update the CAD.
4. **CONTRACT CLASS:** The County offers a 2 days Contract writing class to help County Departments with writing and hiring contractors for projects.
    a. If a project is less than $300,000, go through the ITSMA to hire pre-qualified County contractors.
5. **ACTION ITEMS:**
    a. Mark will setup technical workshops every other month to discuss about ArcGIS, ArcIMS, geocoding, metadata and etc. Please send Mark a set of topics you would like to discuss about.

6) 11:45 am Adjournment-Mark Greninger, CIO

ADDITIONAL INFORMATION:

PUBLIC RECORDS ACT
6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. 6251. This chapter shall be known and may be cited as the California **Public Records Act**.
6254.9.
(a) Computer software developed by a state or local agency is not itself a **public** record under this chapter. The agency may sell, lease, or license the software for commercial or noncommercial use.
(b) As used in this section, "computer software" includes computer mapping systems, computer programs, and computer graphics systems.
(c) This section shall not be construed to create an implied warranty on the part of the State of California or any local agency for errors, omissions, or other defects in any computer software as provided pursuant to this section.
(d) Nothing in this section is intended to affect the **public** record status of information merely because it is stored in a computer. **Public records** stored in a computer shall be disclosed as required by this chapter.
(e) Nothing in this section is intended to limit any copyright protections.

COPYRIGHT is a form of protection provided by the laws of the United States (title 17, U. S. Code) to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works. This protection is available to both published and unpublished works. Section 106 of the 1976 Copyright Act generally gives the owner of copyright the exclusive right to do and to authorize others to do the following:

- To reproduce the work in copies or phonorecords;
- To prepare derivative works based upon the work;
- To distribute copies or phonorecords of the work to the public by sale or other transfer of ownership, or by rental, lease, or lending;
- To perform the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works;
- To display the work publicly, in the case of literary, musical, dramatic, and choreographic works, pantomimes, and pictorial, graphic, or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- In the case of sound recordings*, to perform the work publicly by means of a digital audio transmission.

California Court Confirms Public Records Law

Although the California Public Records Act (CPRA) requires state and local government records to be provided to anyone requesting them for no more than the cost of duplication, until recently, 21 of California's 58 counties sold their GIS digital parcel basemap data for significantly higher prices. In October 2005, the California Attorney General issued an official opinion stating that digital parcel data is subject to public inspection and copying under provisions of the CPRA (http://ag.ca.gov/opinions/yearly_index.php?year=2005, Look for 04-1105).

Subsequently, eight counties changed their data distribution policy, and now offer their GIS basemap data for free or nominal cost. However, 13 counties still maintain a high-cost data

distribution policy, contending that GIS basemap data is exempt from the CPRA. They assert that the A.G.'s opinion does not have the force of law - only a Judicial judgment can confirm or deny their policy. Now, as of May 18, 2007, such a judgment has been rendered.

The California First Amendment Coalition (CFAC) took Santa Clara County to court after the county denied CFAC's request for the county's GIS basemap data at the cost of duplication and with no other restrictions on how it might be used or redistributed. Judge James P. Kleinberg of the California Superior Court for Santa Clara County reviewed the many arguments and rebuttals of the case over three months, and issued the Court's decision in favor of CFAC. Judge Kleinberg directed Santa Clara County to:
1. Provide CFAC with an electronic copy of the GIS basemap, and
2. Charge CFAC the direct cost for the copy provided.

The decision affirms the legislative intent stated in the CPRA (Government Code §6250) that "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state."

"Affordable access to the GIS basemap means that the media and ordinary citizens will have a powerful tool for judging government performance in such areas as tax assessments, zoning variances, and equitable deployment of public services," said Rachel Matteo-Boehm, of the San Francisco office of Holme Roberts & Owen LLP (www.HRO.com), CFAC's lead counsel in the case. The decision ("CFAC vs Santa Clara County, No 1-06-CV-072630") recounts how analysis of the GIS basemap data, used in conjunction with other data, "could allow a property owner to question why, all else being equal, one particular parcel is assessed more than another."

The Court's decision rejected various claims made by the County that its basemap data should be exempted from the CPRA, for such reasons as the GIS basemap is software, the basemap is copyrighted, the basemap is a trade secret, the basemap is critical infrastructure information, and the public interest would be served by not making the basemap public. Citing the state constitution (Article I, Section 3, subdivisions (b)(1)-(2), "a statue shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access"), the Court concluded that the County failed to show a "clear overbalance" on the side of non-disclosure.

"This landmark decision vindicates our view that government agencies may not claim exclusive control over records that are created with tax dollars," said Peter Scheer, CFAC's Executive Director. CFAC is a nonprofit public interest organization dedicated to advancing free speech and open-government rights (www.CFAC.org). CFAC's members are newspapers and other news organizations.

" This is a validation for the citizens of Santa Clara county who are legally entitled to access their county's data, including the GIS basemap," said Bruce Joffe, organizer of the Open Data Consortium (www.OpenDataConsortium.org) and technical advisor to CFAC's legal team. "It is also a validation for the citizens of 12 other California counties that currently change more than the cost of duplication for their GIS basemap data." The Court has confirmed that CPRA applies to GIS data, enabling citizens to access their government's data and thereby hold their governments accountable. "This is a validation for all of California's citizens," Joffe added.

The full text of the Court's decision (27 pages) can be downloaded from
http://www.cfac.org/content/cfac_v_santaclara.PDF

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