14-0076
ORDINANCE

Sponsored by

THE HONORABLE TONI PRECKWINKLE,

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

GEOGRAPHIC INFORMATION SYSTEMS OPEN DATA AMENDMENT

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article 1 In General, Section 2-5(b) of the Cook County Code is hereby amended as follows:

(b) *Website.* In not less than 90 days, the Cook County shall establish a common website that shall serve as the source for countywide and departmental activities related to this Open Cook County Initiative (the Website). County Officials shall use their best efforts to publish information to the Website, including, but not limited to: revenue, spending and procurement information; crime and health statistics; contracts with private firms; policies or procedures; and other data or information commonly requested pursuant to the Freedom of Information Act (FOIA) in a format consistent with the standards set forth herein.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Article IV Officers and Employees, Division 3 Recorder of Deeds, Subdivision II Fees, Section 2-220 of the Cook County Code of Ordinances is hereby amended as follows:

Sec. 2-220. GIS data and map production fee.

(a) *Definitions:* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except where the context clearly indicates a different meaning:

Commercial User means any person seeking County GIS Data for the purpose of furthering a commercial enterprise.

County means Cook County.

Geographic Information System means the organized collection of computer hardware, software, and geographic data designed to efficiently capture, store, update, manipulate, analyze and display all forms of geographically referenced information operated and maintained by the County.

GIS Data means all forms of digital geographically referenced digital information or data, legally disclosable and generated by the County's Geographic Information System, including, but not limited to, the types of data set forth in Section 32-1 of the Cook County Code of Ordinances.

Map means a product that is a visual depiction, image, or picture of data, whether digital or hardcopy.

Noncommercial User means any of the following: a not-for-profit organization established under the laws of Illinois or another state; an organization exempt under Section 501(c) 3 of the Internal Revenue Code; a municipality, county or unit of local government of the State of Illinois, the State of Illinois and its departments or agencies; or an educational institution such as a college, university, or public or private secondary or college preparatory school.

Open GIS Data means all legally distributable orthoimagery, oblique imagery, planimetry datasets, hyperspectral imagery, contours and soil data, reference guides for orthoimagery and oblique imagery and any other GIS Data that the Primary Custodian determines appropriate for publishing and is available for downloading from the Open Government Website.

Open Government Website means that Website that is described in Section 2-5 of this Code.

Primary Custodian means a County agency or department that creates, develops or owns GIS Data.

(b) *Internet Access.* All standard hardcopy countywide Maps produced by the County's GIS Department will be placed on the County's website in a .PDF format and available for download free of charge.

(c) *Fees*. GIS Data shall be provided at no charge to Noncommercial Users. To the extent permitted by law, the Bureau of Technology shall charge fees to any Commercial User for GIS Data as set forth in Section 32-1 of this Code. This subsection (c) shall not apply to Open GIS Data that is downloaded from the Open Government Website.

(d) *Annual Increases in Fees*. The charges set forth in the GIS fee schedule shall be increased on an annual basis for any GIS Data provided after January 1, 2011. The amount of such increase shall be the percentage increase in the Consumer Price Index for Urban Consumers (utilizing the index which includes Cook County) from January 1, 2011, to January 1 of the calendar year in which such GIS Data is being provided. The amount of such increase will be calculated by the Department of Finance.

(e) *Deposit of Fees*. All fees from sales of GIS Data shall be deposited in the GIS special use fund described in Section 2-214 of the Cook County Code of Ordinances.

(f) *Authorized Uses of GIS Data*. Commercial Users are authorized to utilize the GIS Data in furtherance of its commercial enterprise by incorporating the GIS Data with other data compiled or provided by the Commercial User in programs, packages or data created by the Commercial User and providing access to and use of such programs, packages or data to others (including Internet access) in the conduct of the Commercial User's business. All other uses of GIS Data are prohibited.

Noncommercial Users may use GIS Data only for charitable, educational or research purposes and not for the purpose of furthering a commercial enterprise. Noncommercial Users may permit access to and use of the data only by individuals employed or otherwise authorized by the Noncommercial User to perform such research or accomplish such purpose on behalf of the Noncommercial User. All uses of the data not specifically permitted by this subsection are prohibited to Noncommercial Users.

Except for the authorized uses of GIS Data set forth above in this subsection, commercial and Noncommercial Users are prohibited from duplicating, copying or publishing (including publishing on the internet) all or a substantial portion of any GIS Data, or transferring, distributing or providing all or a substantial portion of any GIS Data to any other person or entity; provided that this restriction does not apply to Open GIS Data.

(g) *No Representations or Warranties.* The provision of GIS Data by the County shall not constitute a representation or warranty by the County, its commissioners, employees, independently elected officials and any officer or agent affiliated with the County (collectively, "County and Agents") that any GIS Data is accurate, complete or suitable for the purposes of the user and the County and Agents expressly disclaims any and all liability arising from the inaccuracy, incompleteness or unsuitability of any GIS Data, which is provided on an "as is" basis.

(h) *Transaction Database*. The Bureau of Technology shall develop an online interactive database through which all requests and payments for GIS Data disseminated by the Bureau of Technology may be accomplished. The Bureau of Technology is authorized to develop appropriate forms and promulgate reasonable rules, regulations and policies to effectuate the provisions of this ordinance.

(i) *Primary Custodians not Restricted.* This Ordinance shall not be construed to restrict or abridge the rights of any Primary Custodian to sell, lease, or otherwise disseminate data such Primary Custodian produces regardless of whether such data is ultimately synthesized to form a part of GIS Data.

(i) *Open GIS Data to Be Available.* The County's Chief Information Officer shall publish all Open GIS Data to the Open Government Website.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	**Description Fees,**	**Rates, Charges (in dollars)**
CHAPTER 2, ADMINISTRATION		
2-220(c)	Custom Mapping: Per hour labor fee (in 15 minute increments) and a 15% administrative fee.	50.00

Effective date: This Ordinance Amendment shall be in effect January 1, 2014.

Approved and adopted this 4th day of December 2013.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk