

HOUGHTON COUNTY ENHANCED ACCESS TO PUBLIC RECORDS POLICY

Approved/Reaffirmed: Regular BOC Meeting
Policy Resolution No.: 2026-1 June 09, 2026

Yes: Anderson, Janssen, Tikkanen, Britz, K-ranen (5)
No: None (0)

1. **PURPOSE:** This policy establishes procedures to provide certain records to the public and establishes a fee schedule for such records as permitted by state statute.

2. AUTHORITY:

2.1 Authority to establish rules and regulations in reference to the management of the interest and business concerns of the county is vested with the Houghton County Board of Commissioners (MCL 46.11(m)).

2.2 The Enhanced Access to Public Records Act enables the Board of Commissioners to provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure (MCL 15.441 et. seq).

3. **APPLICATION:** This policy applies to all county elected officials, departments, and agencies of Houghton County.

4. **RESPONSIBILITY:** County elected officials, department heads, agencies, boards, commissions and committees legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record shall select which records may be made public through enhanced access.

5. DEFINITIONS:

5.1 "Enhanced Access" means a public record's availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.

5.2 "Geographical Information System (GIS)" means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.

5.3 "Operating expenses" includes, but is not 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 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 a purchaser.

5.4 "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity. Person does not include an individual serving a sentence of imprisonment in a state or county correctional facility in this state or any other state, or in a federal correctional facility.

5.5 "Public body" means Houghton County government including its officers, employees, agencies, departments, divisions, bureaus, boards, commissions, councils, authorities, or any other associated bodies.

5.6 "Public record" means a writing prepared, owned, used, in the possession of, or retained by Houghton County government in the performance of an official function, from the time it is created. Public record does not include computer software.

5.7 "Reasonable fee" means a charge calculated to enable the County to recover over time only those operating expenses directly related to the County's provision of enhanced access.

5.8 "Software" means 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.

6. POLICY:

6.1 Authorization.

6.1.1 All public bodies are authorized to provide enhanced access for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure (MCL 15.443(1)).

6.1.2 The following principles and policies are to be considered when determining which public records are to be made available through enhanced access.

a. Management principles applied to information resources should be the same as those applied to other governmental resources.

b. Elected officials, department heads, agencies, boards, commissions, committees and other County public bodies legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record have the responsibility, authority and accountability for the management of public record information.

c. Information resources investments must be driven by legal, programmatic and governmental requirements.

d. County government, in trust for the citizens of Houghton County, has a duty to ensure that ownership of information products and County created intellectual property is protected and maintained.

6.2 Fees.

6.2.1 It is the policy of Houghton County to charge a reasonable fee for providing enhanced access to a public record.

6.2.2 It is the policy of Houghton County to charge a reasonable fee for providing enhanced access to the output from a GIS.

6.2.3 Except as otherwise provided by act or statute, the Houghton County Board of Commissioners shall establish a reasonable fee(s) for each public record made available for enhanced access or for access to the output from a GIS.

6.2.4 Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the Board of Commissioners for enhanced access to a public record or for the output from a GIS.

6.2.5 As determined by the County Administrator or County Equalization Director, access or enhanced access may be furnished without charge or at a reduced charge if a waiver or reduction of fee is in the public interest because access or enhanced access can be considered as primarily benefiting the general public. Examples may include, but are not limited to instances when:

- a. The information is critical to public health or safety.
- b. The information is required for non-profit research purposes such as academic or public interest research.
- c. The information is required to meet legal, programmatic or governmental objectives.
- d. The information explains the rights, entitlements and/or obligations of individuals.
- e. The cost of administering the fees would exceed the revenue to be collected.
- f. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users.
- g. The reasonable fee established would limit the number of users enough to compromise achievement of program or other governmental objectives.

6.3

Disclaimer.

6.3.1 Recipients of access or enhanced access receive all information "as is." The County of Houghton, its officers, officials, employees, agents, volunteers, contractors, or its public bodies make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose or of a recipient's right of use. Recipients are solely responsible for investigating, resisting litigating, and settling such complaints, including the payment of any damages or costs, unless the Houghton County Board of Commissioners agrees to participate in the process at the County's expense.

6.3.2 Unless authorized by the Board of Commissioners, no officer, official, employee, agent, volunteer, contractor, or other person or public body may make any representation or warranty on behalf of the County or one of its public bodies.

7. ADMINISTRATIVE PROCEDURES: The County Administrator shall be responsible for the development, revision, and implementation of any associated administrative procedures not already stated in this policy.

8. ADMINISTRATOR AND LEGAL COUNSEL REVIEW: The County Administrator shall approve all new and amended policies as to substance. County Counsel shall approve all new and amended policies as to legal content. These approvals shall accompany draft policies and amended policies submitted to the Board of Commissioners for consideration.