

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ORANGE

December 13, 2011

WHEREAS, the County of Orange, by and through its OC Public Works department has developed a geographic information system (OC Landbase) covering the entire County of Orange, which integrates cadastral, street, precinct, terrain, zip code, and political boundary data; and

WHEREAS, the OC Landbase is maintained in a GIS file format, which allows the geographic data stored in the OC Landbase to be analyzed, viewed, and managed with GIS software; and

WHEREAS, on September 9, 2003, the Board of Supervisors adopted Resolution No. 03-293, setting forth fees for the licensing of the OC Landbase to the public in a GIS file format; and

WHEREAS, the cost to maintain the OC Landbase has been \$5,044,151 dollars since fiscal year 2004-05, for an average annual cost of \$720,593 dollars; and

WHEREAS, the County has collected fees totaling \$1,165,836 dollars, since fiscal year 2004-05, which yields an average annual revenue of \$166,548 dollars; and

WHEREAS, the County wishes to recover a reasonable portion of the costs associated with the development, annual maintenance, and dissemination of the OC Landbase from those entities wishing to obtain the OC Landbase in a GIS file format to reduce the cost burden on other County funds; and

WHEREAS, reducing reliance on other County funds provides the County with more resources to develop, maintain, and upgrade the OC Landbase for the benefit of both County residents and those entities who wish to license the OC Landbase; and

WHEREAS, Government Code Section 6254.9 permits the County to sell, lease, or license a computer mapping system such as the OC Landbase for commercial or non-commercial use; and

WHEREAS, the County wishes to expand public access to the OC Landbase by reducing the costs of licensing the OC Landbase; and

WHEREAS, the County has conducted a survey of jurisdictions that charge licensing fees for geographic data in GIS file format similar to the OC Landbase and has concluded that the fees that are being approved by this Board are lower than the average of the jurisdictions that have been surveyed; and

WHEREAS, the fees being approved by this Board will not exceed the reasonable cost of providing the products or services for which they are levied and are not levied for general revenue purposes; and

Resolution No. 11-196, Item No. 37
OC Landbase Licensing and Fee Structure

WHEREAS, the charges being approved by your Board do not exceed the costs of providing the government services or products for which the fees are being charged and do not exceed the reasonable costs to the County of providing the service or product.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE DOES HEREBY RESOLVE, ORDER, AND DETERMINE AS FOLLOWS:

SECTION 1. Each of the above recitals is true and correct and is adopted by the Board of Supervisors.

SECTION 2. This Board adopts the revised OC Landbase Fee Schedule, attached hereto as Exhibit A, to be effective thirty days from the date of approval of this Resolution.

SECTION 3. The Board hereby finds that the approved fees are statutorily exempt from the provisions of CEQA pursuant to Section 15273(a) are associated with an activity that is not a project as defined by CEQA pursuant to Section 15378 (b)(2) of the CEQA Guidelines.

SECTION 4. The Board finds that these fees satisfy the requirements set forth in Section 1 of Article XIII C, subdivision (e)(2) and (4), of the California Constitution and are therefore exempt from the definition of tax as used in that section.

EXHIBIT A

OC Landbase Fees

Proposed OC Landbase Fees			
Type of License	Fee	Payable	Agreement
Individual Use – Perpetual	\$1,000	One-time	End-User License
Municipality/District/Utility Use – Perpetual	\$2,000	One-time	End-User License
Publisher Use – Perpetual	\$5,000	One-time	End-User License

PERMITTED USES OF THE OC LANDBASE BY LICENSEE	
Individual Use License	Individuals, non-profits or private sector businesses may use the OC Landbase solely for their internal-facing GIS applications for analysis and/or business applications. Under this license, the OC Landbase cannot be publicly displayed on the internet, downloaded, copied, or further distributed in any form to any other party.
Municipality/District/Utility License	Municipalities, districts, and utilities may use the OC Landbase solely in their GIS applications for analysis, business applications, and constituent viewing. Under this license, the OC Landbase cannot be downloaded, copied, or further distributed in any form to any other party.
Publisher License	A publisher license permits individuals, non-profit organizations/corporations, or private sector businesses to use the OC Landbase not only in their internal-facing GIS applications for analysis or business applications, but also includes as part of this license the ability to publish applications (including for-profit applications) on the Internet that include the OC Landbase. However, the OC Landbase cannot be made available, downloaded, copied, or further distributed in any form to any other party.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on December 13, 2011, to wit:

AYES: Supervisors: JOHN M. W. MOORLACH, BILL CAMPBELL, JANET NGUYEN
SHAWN NELSON, PATRICIA BATES
NOES: Supervisor(s):
EXCUSED: Supervisor(s):
ABSTAINED: Supervisor(s):

Bill Campbell
CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors .

IN WITNESS WHEREOF, I have hereto set my hand and seal.

Darlene J. Bloom
DARLENE J. BLOOM
Clerk of the Board
County of Orange, State of California

Resolution No: 11-196
Agenda Date: 12/13/2011
Item No: 37



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By: [Signature]
Deputy