



OFFICE OF THE ASSESSOR
COUNTY OF LOS ANGELES

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RICK AUERBACH
ASSESSOR

MP-1

March 7, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**CONSIDERATION OF ASSESSOR'S ELECTRONIC PARCEL MAP THAT IS PART
OF THE COUNTY'S GIS READY DIGITAL GRAPHICS SYSTEM AND MARKETING
PROGRAM
ALL SUPERVISORIAL DISTRICTS
3 VOTES**

Joint Recommendation with the Assessor and the Department of Public Works:

1. Approve, for the cost of duplication, the distribution of the Assessor's electronic parcel map, which consists of parcel boundaries and the Assessor's Identification Numbers (AIN), that is maintained in an electronic format and is the primary layer of the County's Geographic Information System (GIS).
2. Direct the Department of Public Works and request the Assessor to renegotiate marketing and reciprocity Agreements for the electronic parcel map with the cities of Alhambra, Burbank, Long Beach, Los Angeles and Torrance which contributed data to the Assessor's electronic parcel map.
3. Direct the Department of Public Works and request the Assessor to renegotiate the nonexclusive Licensing and Marketing Agreements with the County's six Marketing Partners in conjunction with the suspension of the marketing of the Assessor's electronic parcel map.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On October 3, 2005, the State Attorney General (AG) issued an opinion stating that parcel boundary maps maintained in electronic format by a government entity are subject to public inspection and copying under provisions of the Public Records Act and therefore must be provided for the cost of duplication in accordance with the parameters set forth in the California Public Records Act. Although an AG's opinion is not legally binding, it is an opinion which a court will grant significant deference and thus, we must consider it with respect. Therefore, the recent AG's opinion prompted our departments to reevaluate its marketing of the Assessor's electronic parcel map.

We concluded that it would be in the best interest of the County and the public to suspend our marketing of the Assessor's electronic parcel map and to begin providing it for the cost of duplication. In addition to the fact that the recent AG opinion may prompt a successful demand for the Assessor's electronic parcel map under the Public Records Act, our decision also derives from the fact that over the years, the marketing program has been diluted by the County's legitimate desire to make the Assessor's electronic parcel map available to some public interest groups. In addition, this type of case-by-case evaluation resulted in additional work for the departments and decreased the level of profitability of the marketing program. Therefore, although revenue may be lost to the County if we suspend the marketing of the Assessor's electronic parcel map, by making it available to everyone, we likely will lessen the time the departments need to devote to issues raised by its marketing and distribution. Furthermore, the release of the Assessor's electronic parcel map for the cost of duplication will ensure that all persons will have equal access to the information.

Implementation of Strategic Plan Goals

Providing the Assessor's electronic parcel map for the cost of duplication to the public, conforms with the County's Strategic Plan Goal of Service Excellence.

FISCAL IMPACT/FINANCING

Discontinuation of the County's marketing program for the sale of the Assessor's electronic parcel map will have a minimal negative fiscal impact on the County's budget, however, Public Works and the Assessor expect to lose a combined annual revenue of approximately \$200,000, offset by estimated administrative costs of \$26,000.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In 1994, the Assessor's Office undertook a process to convert the Department of Public Works digital Cadastral Land Base into a GIS System, of which the primary layer created is the Assessor's electronic parcel map.

It was always the intent of both Departments to license the GIS System so as to recoup, at least in part, the estimated \$5,000,000 development cost and \$25,000 annual maintenance costs for the Assessor's electronic parcel map. In 1988, the State legislature adopted Government Code section 6254.9 that set forth that software, which includes "computer mapping systems", were exempt from the Public Records Act. The language of this code and its legislative history appeared to the County to specifically exclude government products such as GIS mapping systems from the Public Records Act. On September 9, 1997 your Board authorized Public Works and the Assessor to license the GIS System to interested parties, in both the public and private sectors, and was reaffirmed by your Board in 2003. With your Board's approval from 1997 through 2000, Public Works and the Assessor successfully negotiated and executed contributing city agreements with Alhambra, Burbank, Long Beach, Los Angeles and Torrance. The cities' share of royalties from the marketing of the County's GIS system has been approximately \$55,000 to date.

Over the past nine years the two Departments, working in conjunction with the six Marketing Partners generated approximately \$2,000,000 in revenue from the licensing of the Assessor's electronic parcel map, property characteristic information and, Computer Aided Drafting data to various cities, utilities, water districts, private companies, and individuals. The majority of the revenue was derived from the sale of the Assessor's electronic parcel map.

The recent AG Opinion concludes that electronic parcel map data maintained by a County Assessor in electronic format is subject to public inspection and copying under provisions of the California Public Records Act. Under the Act, a copy of the Assessor's electronic parcel map must be furnished "promptly upon request of a member of the public". The fee which may be charged by a County for furnishing a copy of an electronic parcel map is limited to an amount that covers the direct cost of producing the copy. While the AG opinion is not binding, County Counsel has advised that a court will likely grant it significant deference. Thus, if challenged, there is a substantial likelihood that a court would adopt the AG's conclusion and order the County to distribute the Assessor's electronic parcel map at cost of duplication.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The discontinuation of sales of the Assessor's electronic parcel map will have no negative impact on current services.

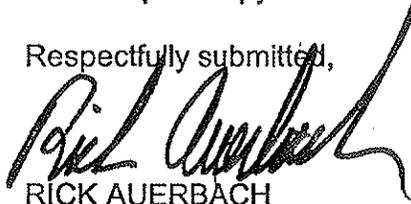
CONCLUSION

This action is in the County's best interest. The treatment of the Assessor's electronic parcel map as a public record will provide all members of the public access to it for the cost of duplication and, by adhering to the AG Opinion, the County will avoid possible legal actions.

The Honorable Board of Supervisors
March 7, 2006
Page 4

One adopted copy of this letter is requested.

Respectfully submitted,



RICK AUERBACH
Assessor


for DONALD L. WOLFE
Director of Public Works

THB:in
P1:blGIS READY.doc

cc: Chief Administrative Office
Chief Information Office
County Counsel



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CUSTOMER INFORMATION:

Name: _____
 Company Name: _____
 Department: _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Telephone: (_____) _____

SHIP TO: *Complete below if different from above.*

Name: _____
 Company Name: _____
 Department: _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Telephone: (_____) _____

MEDIUM	ITEM NAME	COPIES REQUIRED
DVD	Parcel Boundary Map (GIS) for entire Los Angeles County	

DELIVERY INSTRUCTIONS: Pick-up _____ Mail _____ Common Carrier (name): _____
(Please check one)

COST:

Los Angeles County Parcel Boundary Map Shapefile	\$5.50
Number of Copies	x _____
Subtotal	_____
Shipping and Handling (\$2.00)	_____
TOTAL	=====

Please make check or money order payable to Los Angeles County Assessor and mail it (along with the original Order Form) to:

LOS ANGELES COUNTY ASSESSOR
500 WEST TEMPLE STREET, Room 295
LOS ANGELES, CA 90012
Attn: Property Data Sales
FAX NO.: (213) 626-0862

If you have any questions, feel free to call our office at (213) 974-3363.

Or you may come in person to our office with the payment.