

Geospatial Data Sharing Work Group

Sponsored by the Joint Legislative Committee on Information Management & Technology (JLCIMT)
and the State Chief Information Officer (State CIO)

Meeting Notes (Draft)

Date and time of meeting:	January 13, 2017 (10:00 AM - 12:00 PM PST)
Meeting venue:	Commission Room, Dept. of Land Conservation & Development
Minutes drafted by:	Cy Smith, State Geospatial Information Officer (State GIO)

1. CALL TO ORDER – Sean McSpaden, JLCIMT Committee Administrator

The meeting was called to order at approximately 10:10 am PST. Meeting attendees were:

Pete Boone – Tualatin Valley Water District	Erin Doyle – League of Oregon Cities
Jeff Frkonja – Portland Metro Research Center	Dean Anderson – Polk County IT Director
Eric Brandt – Lane Council of Governments	Jim Rue – DLCD Director
Tom Rohlfing – Marion County Assessor	Sean McSpaden - Legislative Fiscal Office
Ken Kato – UO Campus GIS & Mapping	John Waffenschmidt – Lincoln County Surveyor
Molly Vogt – City of Gresham GIS	Jerri Bohard – ODOT, Transportation Devt. Division
Curtis Cude – OHA Public Health	Jimmy Kagan – PSU Institute for Natural Resources
Cy Smith – Office of State CIO, GEO	Theresa Burcsu – Office of State CIO, GEO

Guests were Rebecca Gladstone, League of Women Voters; Brett Juul, ODOT; Sean Brennan, Legislative Counsel

2. DRAFT LEGISLATIVE CONCEPT REVIEW/REVISION

Sean indicated that there was discussion at the Dec. 12 JLCIMT about LC2860, in which he told the Committee that the Work Group had not yet had a chance to review the latest draft from Leg. Counsel. He reminded the Work Group that as a joint committee of the legislature, the JLCIMT can introduce the LC as a bill at any time during the upcoming Legislative Session.

Sean walked the Work Group through the changes he made to the latest draft based on suggestions from the subgroup, which met on Dec. 30. The following summarizes those changes:

- 1) In Summary and Section 8: Still need to get clarification from Legislative Counsel on whether the Emergency Clause is/is not needed. If not, what other changes to the LC would need to be made if it is removed?
- 2) In Section 2: Ensuring that language regarding the establishment of OGIC within the Office of the State CIO is clear and allows OGIC to operate autonomously (led/directed by members appointed by the Governor/Legislature) with the support from and coordination with the office of the State CIO through the state geographic information officer.

The current markup combines statutory language used in the establishment of the State Interoperability Executive Council (SIEC) within the Office of the State CIO and the Oregon Broadband Advisory Council (OBAC) established within the Oregon Business Development Department. Both the SIEC and OBAC are led/directed by the members appointed by the Governor(voting)/Legislature(non-voting) and operate autonomously from the agencies within which they are administratively housed/supported.

Sean has spoken with the State CIO, and he confirmed his expectation/understanding that the newly formed OGIC would operate in an autonomous manner, be led/directed by the members appointed by the Governor/Legislature (in the manner consistent with SIEC/OBAC), and would coordinate with and be supported by the Office of the State CIO through the state geographic information officer and the staff of the OSCIO Geospatial Enterprise Office.

- 3) In Section 2: Transition of OGIC state agency membership from a listing of 7 individual/specific agencies to three categories of state agency membership (comprised of 7 state agency members). This change was suggested in an earlier Work Group meeting to provide additional flexibility to the governor's office in appointments of member state agency representatives that are available, willing, and qualified to serve.
- 4) In Section 3: A question was asked about how often the strategic plan for managing geographic information should be updated. Current language, requires an update each biennium. Suggestion was that OGIC consider a longer update cycle (perhaps every 3 years).
- 5) In Section 5, OGIC Fund - there was some uncertainty as to why the provision related to the State CIO's ability to solicit/accept gifts, grants, donations and contributions from a variety of sources was included in the LC. Response - it is the standard language that is included in most statutes that involve the creation of a fund. It creates the explicit authority/flexibility to accept funds, donations, gifts, grants, contributions from any external source (in this case to support the activities of OGIC).

Following Sean's summary and walk through of the subgroup's suggestions and revisions, Jeff Fronkja from Portland Metro provided feedback that he requested from a Metro attorney related to the role of the State CIO and the role of the Council as currently stated in the draft LC. The Metro attorney's perspective was that the LC lays out pretty clearly what the role of the Council should and will be, and that the State CIO is intended to support the Council. The Metro attorney suggested that the language for Section 2(1) be modified to better reflect the State CIO's role in relation to the Council as follows:

"The Oregon Geographic Information Council is established, and is to be supported by the State Chief Information Officer."

He further suggested that this language be inserted in place of existing language in other parts of the LC that currently read like Section 2(1). The Metro attorney's feedback was based on language that indicates the Council is established and is subject to the authority of the State CIO, not the revised language in the draft presented in this meeting that indicates the Council is established within the office of the State CIO. Dean Anderson from Polk County indicated that he agreed in principle with the Metro attorney. Jeff said that the Metro attorney also indicated that other alternative language he had seen, including State CIO oversight of the Council, establishing the Council under the State CIO, etc., imply that more power and authority is conveyed to the State CIO over the Council than is implied in the LC.

Suggestion was made by Jimmy Kagan with INR to combine the language the Metro attorney suggested with the language the subgroup proposed. That language would then read as follows:

Section 2. (1) The Oregon Geographic Information Council is established within, and is to be supported by, the office of the State Chief Information Officer.

Ultimately, the precise manner in which the Council and the State CIO interact will be laid out in a Charter after the Council is established and seated. It's possible that we could specifically reference the creation of a charter for the Council in the LC.

In order for the Council to exist, without being a separate state agency, it must be established within an existing state agency. After a brief discussion about this issue with the Legislative Counsel attorney during this meeting, it became apparent that we could and should indicate the precise roles and responsibilities that

are reserved for the Council and those that are reserved for the State CIO. That should resolve this issue to everyone's satisfaction. The language that specifies the powers and duties of the Council and the State CIO is in the LC now, so separating these elements from each other and making it clear which powers and duties belong to each should be sufficient to resolve the issue. The attorney said that we need to be specific about who makes decisions about what, and suggested using the language, "The Council has the exclusive power to...", to carve out the powers and duties of the Council in Section 2 from the general powers and duties that already exist for the State CIO from other statutes.

Another issue was brought up by Jerri Bohard from ODOT that the Work Group resolved in the draft that was sent to Legislative Counsel, but may have been reintroduced in the latest draft from Legislative Counsel. Specifically, Jerri indicated the language in Section 2(1)(b) seems to be overreaching in terms of the purpose of the Council with regard to all geographic information, not limited to the subset defined as geospatial Framework data. Same issue in Section 3(1)(a)(C). Cy said we would need to compare the language in the version we sent to Leg. Counsel with the language in these two subsections in order to get this corrected.

Pete Boone brought up an issue related to the language in Section 2(1)(e), asking if the intent is for the Council to prescribe requirements and practices for how public bodies will manage the data they ultimately share with other public bodies, or if the intention is for the Council to prescribe requirements and practices for how the shared data will be managed? The language to clarify this is as follows:

(e) Prescribe requirements and practices for how shared geospatial framework data in the Spatial Data Library is managed.

The LC specifies in other areas that public bodies aren't required to change the format of Framework data before they share it. If the language or concept above exists elsewhere in the LC, we can strike it here. Perhaps the intent of the language above is, or should be, to enable the Council to improve data sharing over time, without placing onerous requirements on public bodies.

One way of dealing with some of the concerns about possible overreach by the Council is to separate out the parts where the Council is taking formal action (rule-making, standards setting, requirements definitions, etc.) related to Framework data, from the parts where the Council is forming relationships, collaborating, coordinating, etc., related to geographic information more broadly.

The Legislative Counsel attorney discussed the rationale for having an emergency clause in the LC. The primary purpose in this case will be to enable the Council and the State CIO to take actions beginning at the moment the bill is passed and signed into law, prior to the operative dates of January 2018 for the Council and January 2020 for Section 4 on data sharing. For example, the appointment of Council members can begin immediately upon enactment of the law. Appointments typically take a long time, so the emergency clause will enable the Governor's office to get started with that right away. If we leave the emergency clause in the LC, we'll have to communicate clearly and succinctly as to why it's important. The Legislative Counsel attorney indicated he would be available to testify on these kinds of aspects of the LC to the Committee.

Sean let the group know that we would make the changes discussed in this meeting but may or may not have an ability to bring the work group back together to review the next version of the LC prior to having the Committee introduce the bill. Regardless, Sean assured the members that we will continue to work as a Work Group to prepare and agree upon any needed amendments.

Erin Doyle with LOC cautioned us to keep in mind that we need to be careful about giving the Council exclusive powers that trample on powers currently available to cities and other public bodies.

Jimmy Kagan suggested that we keep in mind that having a specific periodicity regarding strategic planning in the statute may prove to be problematic in the future. Other groups with which he is familiar

have similar provisions and it causes them significant problems in keeping up with the planning requirements.

John Waffenschmidt with AOC indicated that he had gotten some concerns from counties that the bill might need to be clearer about not requiring public bodies to modify the format of their data before sharing it. Also, the LC is currently silent about the current ability counties have to market geospatial data, other than saying that they won't be allowed to charge other public bodies. They will have the ability going forward to market and charge for geospatial data for the public and businesses, as enabled by current statute.

3. NEXT STEPS

Sean and Cy will revise the LC based on the discussion at the January 13 DSWG meeting and post that for review by the Work Group as quickly as possible.

Sean will submit the suggested revisions to Legislative Counsel in an effort to have a revised LC ready for JLCIMT to consider for introduction prior to their first meeting of the Legislative Session.

Sean and Cy will begin preparing a report to be presented to the JLCIMT.