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December 31, 2014

Barbara A. Peterson  
President  
First Amendment Foundation  
336 East College Ave, Suite 101  
Tallahassee, Florida 32301

Dear Ms. Peterson,

We have received your letter dated December 16, 2014. On behalf of the city I would like to thank you and the Foundation for the work you do, as well as for your willingness to assist one of our residents.

Several months ago, the city upgraded its process for video archiving. Prior to the change, all meeting videos were archived on DVDs. As a result, and pursuant to Section 119.01(2)(f), we had always provided "a copy of the record in the medium requested if the agency maintains the record in that medium." While there was always a cost associated with the purchase and reproduction of the DVDs, it was the city's decision to waive that fee on behalf of the requestors.

The city no longer maintains meeting videos in DVD format. Similar to when technology provided the ability to replace VHS cassette tapes with DVDs, DVDs have now been replaced with video files. We now record video of meetings as common format electronic video files (such as MPEG). The meetings are then stored on a hard drive in that video format. We no longer are producing DVDs as part of the archiving process, and to convert a video file to a DVD able to be watched in a DVD player requires special equipment. Unfortunately, Ms. Finnie's willingness to provide her own DVDs does not change the fact that DVDs are no longer the format in which we are archiving video.

The format in which we now store and provide videos is a widely used, and universally accepted video file format that is in compliance with Section 119.01(2)(b) which requires: "When designing or acquiring an electronic recordkeeping system, an agency must consider whether such system is capable of providing data in some common format..."

This change was announced in a public meeting, posted on the city's website and noticed to the city's entire email newsletter group consisting of over 15,000 addresses in September 2014. I also met personally with Ms. Finnie to explain the changes.

Regarding your concerns surrounding costs, all our meeting videos are now also available for free download on the city's website. Any individual can now go to the city website and download the meeting video at no cost. As part of my discussion with Ms. Finnie, I explained how she would be able to access all the videos from home via her computer. (I am confident Ms. Finnie has a computer as she operates an online blog

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concerning city activities.) Through our website, the meetings can be viewed and downloaded for archive purposes. Again, there is no fee for this ability.

The \$6.50 cost you refer to is the cost to the city for the purchase of the thumb drive. However, because thumb drives are common items already owned by individuals, we have also offered to assist anyone who already has a thumb drive download the free meeting video onto their own thumb drive, thus avoiding the cost.

In your letter, you state that Ms. Finnie “purchased her own DVDs for the purpose of copying the requested records. Ms. Finnie then emailed Mr. Cohen to request a time to make her own DVD copies, but never received a response.” This statement is inaccurate.

I responded to Ms. Finnie’s email the same day. I have copied it below for your review:

From: Elliot Cohen/WESTPALM  
To: debbie 674 <debbie674@hotmail.com>  
Cc: "jgreen@wpb.org" <jgreen@wpb.org>  
Date: 10/23/2014 02:56 PM  
Subject:Re: Public Records Request

Ms. Finnie,

Thank you for your email.

As I have already mentioned, we no longer create or store meetings in DVD format. We are recording our meetings directly to video files.

Our video is now stored in a standard and widely used video file format. We are happy to provide the video in the standard format that is maintained by the city.

If you are having trouble figuring out how to use a thumb drive, I am happy to offer whatever help we can. I am also happy to speak with you to explain our process.

Elliot Cohen  
Director of Communications  
City of West Palm Beach

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I also point out that Ms. Finnie chose to purchase the DVDs after she was made aware that the city no longer is storing video in that format. Had she purchased a thumb drive instead, she would be able to reuse it an unlimited number of times to obtain records at no cost.

I remain available to assist Ms. Finnie, or any other member of the public with these changes. There is always an adjustment period when something new is introduced. Please do not hesitate to contact me again should you have further questions.

Sincerely,

*Elliot Cohen*

Elliot Cohen, Director of Communications

Cc: Jeff Green