

*The
City
of
West Palm Beach*



"The Capital City of the Palm Beaches"

RECEIVED MAR 17 2014
OFFICE OF THE CITY ATTORNEY
P.O. Box 3366
West Palm Beach, Florida 33402
Tel: 561/ 822-1350
Fax: 561/ 822-1373

March 7, 2014

Barbara Petersen, President
First Amendment Foundation
336 East College Ave., Suite 101
Tallahassee, FL 32301

Dear Ms. Peterson:

Your letter to Mayor Muoio of March 5, 2014 has been referred to me for response. We thank you for bringing Ms. Matkivich's concerns to our attention. It is my understanding that Ms. Matkivich requested emails, text messages and calls to and from Mr. Cohen's cell phone on November 25, 2013. In checking on her request, I learned that we actually responded to the November 27 request by providing 28 pages of Mr. Cohen's emails on December 3, 2013. Please note that the City was closed November 28 and 29 for the Thanksgiving holiday and November 30-31 was the weekend. (Mr. Cohen provided four text messages for that date to the City Clerk within 30 minutes of the request. Unfortunately, our records do not show that the texts were included in the 28 pages provided to Ms. Matkivich.)

The record of calls made and received for a city telephone number is the actual billing statement from the provider. At the time of Ms. Matkivich's request, the billing statement for November 25, 2013 did not exist. The city's billing cycle for that date ended on December 24. The provider's practice is to send the statement approximately five business days after the billing cycle ends. Rather than inform Ms. Matkivich that there was no record responsive to that part of her request and closing the request, we told her we would follow up for her.

We are immediately providing Ms. Matkivich with the four text messages and the billing statement showing calls made and received for that date. We regret any inconvenience caused to Ms. Matkivich in not following up on her request at the beginning of the year when the billing statement was received. Please be assured that it was inadvertent and not intentional. The City of West Palm Beach maintains a public records request database. All requests and responses are logged and tracked. The City takes its responsibility as custodian of public records very seriously and makes every effort to comply with all requests promptly and fully.

Once again, thank you for contacting us on Ms. Matkivich's behalf.

Sincerely,

Claudia M. McKenna
City Attorney

cc: Geraldine Muoio, Mayor
Jeffrey L. Green, City Administrator
Hazeline F. Carson, City Clerk
Elliot S. Cohen, Communications Director