



**AGENDA
CITY OF HAINES CITY, FLORIDA
CITY COMMISSION WORKSHOP**

January 3, 2019

6:30 PM

Mayor Morris West

**Vice-Mayor Don Mason
Commissioner Roy Tyler**

**Commissioner Horace West
Commissioner Anne Huffman**

COMMISSION CHAMBERS

620 E. Main Street, Haines City, FL 33844

Phone: 863-421-9921

Web: hainescity.com

1. CALL TO ORDER

2. PRESENTATIONS AND DISCUSSIONS

2.A. REQUIREMENT OF AUDIO WITH THE AMERICAN DISABILITIES ACT

Staff Contact: Deric Feacher, City Manager

3. AGENDA REVIEW

4. ADJOURNMENT

Website Address – hainescity.com

NOTICE – Pursuant to Section 286.0105 of the Florida Statutes, if any person decides to appeal any decision made by the City Commission with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.



For special accommodations, please notify the City Clerk's Office at least 72 hours in advance.
Phone: 863-421-9921



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance, and who wish to attend City Commission meetings or any other board or committee meeting may contact the City Clerk's Office in writing, or may call 863-421-9921 for information regarding available aids and services.



HAINES CITY

WWW.HAINESCITY.COM

CITY CLERK MEMORANDUM

To: The Honorable Mayor and City Commissioners
From: Deric C. Feacher, City Manager
Date: January 3, 2019
Subject: Requirement of Audio with the American Disabilities Act

Introduction

The intent of this workshop item is to discuss options with the City Commission on compliance with the American Disabilities Act when posting audio files online or live streaming meetings to the website.

Background

The Technology Management Director Ross has researched the following options for consideration:

Option 1:

Stop streaming live audio and remove any archived recordings from our website. Any existing recordings on other media must be fully transcribed upon request at a rate of ~\$130.00 per meeting hour, until destroyed in accordance with Florida Statute Chapter 119.

Since there is not an accurate way to gauge our audience live stream participation, we can announce during the public meetings to request for the public to either call or email the city clerk's office in an attempt to obtain this information.

Option 2:

Purchase an electronic transcription appliance that listens to the audio stream and transcribes the session. Preliminary pricing for this solution is \$65,000, assuming no other Audio/Visual (A/V) changes are necessary. The accuracy of multiple people talking at the same time, or people speaking from varying distances from the microphones may present an issue. Prior to purchase, Technology Management Director Ross would get a demo unit to test and ensure it works in our environment.

Option 3:

Subscribe to a transcription service and have a human transcribe verbatim the audio stream for

next day availability. This would be applicable to all public meetings. The average amount of meetings for the past two (2) years in Haines City was 168 meetings. Our current vendor starts at \$130/hour and goes as high as \$150/hour (per meeting hour) depending upon the volume of transcriptions. As an example, if the City Commission meeting lasted 3 hours it would cost the city no less than \$390.00 for transcription.

Information Management Director Ross researched cities and inquired about their compliance with the following results:

- Ft. Myers is using an ACE2000 appliance.
- Boca Raton is using an ENCO ENCAP4 service and FORK closed caption solution.
- Delray Beach is using Granicus
- Cocoa is using Granicus
- Cape Coral is using Evertz Microsystems HD DTV Caption encoder and Enco's enCaption3 HW/SW.

Most cities are still looking for an affordable and easy solution.

In addition, the City Clerk researched Polk County cities with the following results:

Since July, the City of Bartow no longer records videos of the meetings, and the cable company has not broadcasted their City Commission meetings since October. No audio or video recordings are on their website.

Furthermore, the Town of Dundee replied and the email is attached for your review.

Budget Impact

There was no funding budgeted in the 2018/2019 Fiscal Year.

Recommendation

Pleasure of the City Commission.

Attachments:

- a) Dundee Email (PDF)

Email dated 12/27/2018

Hi Linda,

I apologize in advance for the length of this.....I'll start by saying that while Dundee doesn't publish its audio recordings online, in my former position in Wisconsin, I was the designated ADA compliance official for county digital communications and have DEEPLY studied, written, and published about this issue for the last 3 years. Disclaimer....I'm not an attorney, and the following information should not be taken as legal advice.

After looking over your options, I can tell you with 100% confidence that if you go with Option 2, without having a human review and revision process, you will fail any ADA compliance tests. ADA states that you must have a 99% accuracy threshold and the synchronization cannot be off by more than .06 seconds, and while automated systems are coming along, they are not yet compliant (most are at 86-96% accuracy and .09-1.2 seconds for synchronization); it should be noted that those stats fall off quickly when adding multiple speakers. Unfortunately, automation is currently a false sense of security that won't stand up in federal court or a Justice Department ADA Audit. It's better than nothing, but won't protect you from federal government penalties.

While we did consider Option 3, it was just way too expensive. We learned from industry ADA attorneys that we couldn't pick and choose which meetings we'd want to make available if we wanted to be fully compliant. If we did one meeting, we would have to do them all within the same level of government. (ie. If we wanted to release the county board meeting, then any standing committee of the County Board had to also be transcribed/captioned, but advisory committees and subcommittees did not).

The county I worked for ultimately went with your Option 1, and simply stopped all live audio/video and pulled down all posted audio and video recordings from public viewing. They decided to wait until automation caught up with the regulations. Unfortunately, this also meant the dissolution of my department, which is one of the reasons I'm now here in Florida.

As alternatives....One of the cities that contracted with the county for their distribution of digital audio/video content (who also use CivicPlus as their website provider) decided that they would stop all live broadcasts and streams, but they would post a video or audio 2-3 days after the fact. They used Rev.com which is a human transcription service to handle creating their captions. They were then able to upload the Rev.com files into YouTube or their other internal CivicClerk module where they would be synced automatically. Interestingly, I met several clerks at this fall's clerk conference that actually moonlight for Rev.com as transcriptionists, but it should be noted that other companies can provide this service as well. It should also be noted that this alternative forced them to create an annual budget allotment in excess of \$75,000 to accommodate the cost of transcription for their meetings. It adds up quick.

Another option that we found, in Wisconsin, that was adopted by a couple of the county's former clients, but which you should definitely run by your city attorney, was to bend the law without breaking it. Title II (state and local government) requirements only focus effective communication liability on the content creator when they are publically providing the content.

We found a private group willing to make a formal public records request of the audio/video. They paid an acquisition fee for the transcription (cheaper than captioning) and then posted the audio or video online for public viewing on a private website. Since the county was not the one publically publishing the material, and we provided a transcription with the records request that satisfied the effective communication requirement, we were no longer liable for the captioning of the audio or video available to the public through this 3rd party. We even provided a link to them under resources on the county website to help residents....but we couldn't link to specific meeting files as our attorneys felt that would have created a 3rd party contractor distribution arrangement which then makes the 3rd party liable for captioning and transcription under Title III (Public Accommodations) of the ADA.

One other final option I didn't see on your list...but thought I'd mention is that if you switch totally from audio to video, you can hire a sign language translator (or find a volunteer) and do a picture-in-picture of your meetings. This also satisfies the ADA effective communication.

If you need ANY reference materials, I've got binders on the topic! Let me know if there is any other information you may need.

Kind Regards,

Brian B. Lueth

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