



CITY OF HALLANDALE BEACH, FLORIDA
MEMORANDUM

DATE: January 18, 2018
TO: Commissioner Anabelle Taub
FROM: Mario Bataille, City Clerk

SUBJECT: Public Records Request

I am in receipt of your public records request made during the December 20, 2017 Regular City Commission meeting and further clarified via email by you on January 1, 2018 for the following:

- 1) [Records created, originating from or sent by Commissioner Michelle Lazarow:]
 - a. As it pertains to Daniel Rosemond- Any and all phone calls, email exchanges, text messages, or written communication of any kind with Keith London from January 1st, 2015 to December 31st, 2017.
 - b. As it pertains to Lynn Whitfield- Any and all phone calls, email exchanges, text messages, or written communication of any kind with Keith London from January 1st, 2015 to December 31st, 2017.
- 2) [Records created, originating from or sent by Vice Mayor Keith London:]
 - a. As it pertains to Daniel Rosemond- Any and all phone calls, email exchanges, text messages, or written communication of any kind with Michele Lazarow from January 1st, 2015 to December 31st, 2017.
 - b. As it pertains to Lynn Whitfield- Any and all phone calls, email exchanges, text messages, or written communication of any kind with Michele Lazarow from January 1st, 2015 to December 31st, 2017.
- 3) Any and all public records requested by Keith London either as a private individual and/ or as commissioner and/or Vice Mayor from January 1st, 2010 to December 31st, 2017.
- 4) Any and all phone calls, emails, written communication, including all calendar schedule and meetings between Michele Lazarow and CM Roger Carlton from February 5, 2017 to December 13, 2017.
- 5) Any and all phone calls, text messages, written communication [by/to] Keith London and [by/to] Michele Lazarow relating to any and all city of Hallandale related issues (to include all agenda items) for each and every City Commission meeting and

each and every HBCRA meeting from January 1st, 2012 to December 31st, 2017.

- 6) Any and all phone calls, emails, written communication, including all calendar schedule and meetings between Keith London and CM Roger Carlton from February 5th, 2017 to December 31st, 2017
- 7) Roger Carlton's entire city calendar (to include all outside of the city meetings relating to city business) from February 5th, 2017 to December 31st, 2017 - to include a complete log of each and every scheduled meeting relating to city of Hallandale business.
- 8) Roger Carlton's entire phone log of phone calls and cell phone calls relating to city related business from February 5th, 2017 to December 31st, 2017.
- 9) Any and all phone calls, text messages, written communication and email exchanges made by Roger Carlton to Keith London from November 1st, 2016 to December 31st, 2017 relating to Roger Carlton's potential employment with the City of Hallandale.
- 10) Any and all city related business issues and agenda items (to include CRA meetings) from February 5th, 2017 to December 31st, 2017.

As it relates to #10 for "...all city related business issues and agenda items...", I am interpreting this as a request for all Agenda Items presented to either the City Commission and HBCRA Board of Directors. Therefore, those documents are readily available through the City Clerk's Services Page on the City's website through the following hyperlinks:

- For Agenda Items, please visit the Legislative Resources Center at www.cohb.org/agenda
- For access, approved legislation please visit our Laserfiche document management system at <http://fiche.hallandalebeach.org/WebLink/Browse.aspx?dbid=0>

To date, the records responsive to #7 concerning the entire Calendar of City Manager Carlton was emailed to you on January 17, 2018 as that record was readily available. In addition, your records request has been forwarded to the City Manager, Vice Mayor London, and Commissioner Lazarow for any records responsive to which the City does not have direct access to (i.e. text messages and cell phone logs).

The nature and volume of your request will require extensive use of information technology resources and extensive clerical and/or supervisory assistance by City Personnel.

Florida Statue Chapter 119.07 provides:

(d) If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of

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the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

City Administrative Policy 2016.008/R02 – Public Records Request Guidelines provides:

Public Records Requests requiring up to ten (10) pages and/or more than fifteen (15) minutes to locate, copy or otherwise make available the requested material, is a diversion of resources which is susceptible to extensive use service charges.

Previously, the former protocol manual allowed individual City Commissioners to request information or follow-up, outside of the Public Records process. If the request would require extensive staff time, the manual required the individual commissioner to bring the request up at a meeting and obtain approval of the Commission to direct staff. Your request was made as a Public Records request, and no vote was taken by the Commission. However, while the protocol manual is no longer in effect, a motion approved by the Commission would authorize staff to proceed with your request without any costs, as it requires extensive staff time. If you proceed with the request as a Public Records request, no motion by the Commission is required. It is my duty and intention as the City Clerk and Records Custodian of the City to comply with your records request fully.

Therefore pursuant to F.S. 119.07 I present to you the following estimated time and cost to provide your public records request:

- Information Technology for an estimated 101 hours for a total estimated cost of \$4,278.36.
- City Clerk’s Office for an estimated 48 hours for a total estimated cost of \$1,639.20
- City Manager’s Office for an estimated 5 hours for a total estimated cost \$616.14

I estimate the initial cost of your public records request to be \$6,533.70. The estimated cost is determined by the utilization of the lowest paid staff member(s) within the corresponding department who can accurately fulfill the request. This estimate consists of the estimated staff time to research and review records for responsiveness to your records request. This cost does not reflect the time necessary for the City Clerk’s Office and/or City Attorney’s Office to review the records produced for any possible exemptions/redactions pursuant to F.S. Chapter 119.071, and duplication cost pursuant to F.S. Chapter 119.07. I am unable to reasonably estimate those amounts until completion of the initial research by staff. Also, it does not include the cost for records responsive that the City does not have direct access to (i.e. individual text messages and cell phone logs).

A 50% deposit of the estimated costs is required prior to staff initiating research. Therefore, I respectfully request a deposit of \$3,266.85 to commence staff research and

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production of the records responsive to your request. Actual costs may be more or less than estimated. When the initial search is completed you will receive a revised estimate. A total deposit (including the initial deposit) of 50% of the revised estimated costs will have to be paid to the City prior to review and assembly of responsive records. I will provide you with a final invoice of the actual costs upon completion. Actual costs must be paid in full prior to production of the records.

Should you have any question or concerns regarding your request, feel free to contact me directly at (954) 457-1339.

Cc: Roger M. Carlton, City Manager
Jennifer Merino, City Attorney