



City of North Port
City Manager's Office

Interoffice Memorandum

To: City Manager Peter D. Lear
From: Communications Manager Josh Taylor
Date: December 26th, 2018
RE: ADA Compliance

CITY MANAGER'S OFFICE

DEC 28 2018

CITY OF NORTH PORT

City Manager Peter Lear,

On November 28th 2018 staff members from Communications, IT, Risk, Human resources, Legal, and the City Manager's office met regarding the growing concerns of ADA compliance and the risk of non-compliance the City may be in. It was determined that a memo be sent to your attention for further consideration.

Local governments across the Country and the State of Florida are being served lawsuits relating to this issue. Their primary focus, so far, is website readability and live meeting closed caption accessibility. Recently, our neighbors at both Sarasota County and Charlotte County have experienced this trend. In late October 2018 Sarasota County elected to settle one lawsuit for \$10,000 with stipulations on correcting their issues.

The City Attorney, IT, and Communications have been working on the reality of this issue since mid-2018. Many of the facts and concerns are vague and unknown. During this time, we have been taking steps to get educated and correct minor issues with our website and getting quotes for possible options. An Accessibility Statement was added to the main page with contact information around April 1st of this year. It may be part of the reason we have avoided legal issues. More recent information indicates that the City of North Port needs to take some significant actions immediately to avoid legal concerns, while more importantly, providing resources to those with disabilities.



Closed Captioning

Currently the City of North Port hosts live broadcasts of public meetings. The City does not provide live closed captioning. This means those with audible disabilities are not provided the same availability from the comfort of their home to public meetings as they happen.

1. Our most recent estimate by Granicus, our live meeting carrier, is roughly \$135 per hour to have someone type closed captioning as it's happening. An average meeting of six hours would be roughly \$810 per meeting.
2. A company called Rev.com touts that they can provide Closed Captioning Services for \$60 per hour. However, it is a 24-hour turnaround and not live.
3. Sarasota County has recently purchased a machine to collect and distribute the closed captioning automatically as it happens. This was a \$60,000 investment to start.
4. We have a quote from Link Electronics AKA Command Corp for the equipment. This is the company Sarasota County purchased their machine from. We may not need all the bells and whistles Sarasota County does. Their quote runs between \$44,000 and \$73,000 for purchase. However, the company has a lease option for the equipment for between \$950 to \$1,700 per month. This might be our best option since this issue and technology is relatively new and evolving.
5. While it is certainly not the position of the City of North Port to be less transparent, we are under no obligation to carry meetings live or at all on our website. One drastic option would be ceasing the service. It is possible to record the meetings, later sending them to Sarasota County for replay. They would feed through their system at Access 19 with their closed captioning machine and service. It would play on their channel. We would need to work out an agreement and process for getting the video back for posting to our site. This could be a temporary option as we are currently not in compliance and all other options will take some time to implement.

*Please also see the attached options provided by the IT Division. There are some additional challenges for routing equipment and scheduling of meetings.

Website Compliance

Currently the City of North Port has more than 1-million visitors to the City's website each year. The site is a massive undertaking. It is basically many websites in one, focusing on different departments and divisions within the City. A major immediate concern is making sure screen readers can capture and read the information to those who are visually impaired. Improvements and education are needed to bring our site up to compliance.

1. We have already implemented the Accessibility Statement making it easier for those with disabilities to reach us in order to get them what they need.
2. There are a few companies available who routinely monitor, checkup, and fix non-complaint issues with websites. In November of 2018 we had company called "Site-Improve" provide a free review and sales pitch. They found our site to be 68% compliant. They also provided us a quote for between \$6,914 and \$17,500 for an annual contract for continuing monitoring. The price is dependent on how deep we want to go. The lower end is a good starting point. It should be noted that in 2017 a plan with Site-Improve was



a part of the budget submitted by the IT Division. That quote was for \$6,350 for a similar service. That item was pulled from the budget at the direction of Commissioners. We are told that with the growth of our site and increased demand, that the costs have risen. The City of Venice has used Site Improve. Venice's contract was for \$5,000. They have a significantly smaller site.

3. Currently, more than 40 employees contribute to the City Website throughout all departments and divisions. Staff will need education on the best practices and policies on how to format and post to the website. An official ADA coordinator or consultant will be needed to conduct this effort. We currently have more than 8,000 pages on the website. Each will need to be gone through and checked for compliance. Additionally, thousands of PDFs will likely need to be removed or replaced with PDFs in the correct format. Our website provider Vision/Granicus does have a few available upgrades to the City site would can be purchases. We are awaiting estimates.
4. While it is certainly not the position of the City of North Port to be less transparent, we are under no obligation to have all of the current information we do on our website. One drastic option would be to minimize the amount of content on our site, making it easier to manage and maintain compliance. This would not be our recommendation.

Other areas of concern

While Closed captioning and website compliance are the two biggest immediate hurdles facing this issue, there are many more. The root of being compliant begins at the start with how documents are created. It includes how documents such as Power Point and PDFs are formatted. It even includes the capabilities of copiers to include Optical Character Recognition or OCR. The way those documents are created impacts how public records can be accessed and made available.

1. Document creation.
2. Power Point Creation.
3. PDF formatting.
4. Needed equipment such as copiers with OCR technology.
5. The impacts to Social Media.
6. The impacts to our other sites and apps. Especially our third-party vendors. Example: The P2P site <http://p2c.northportpd.com/> or the new sites for permitting and public records.
7. How we make public records.
8. Education of staff.
9. Continual monitoring.

ADA Coordinator

As you can see, there are many angles and issues. The rabbit hole goes deeper and deeper. Some cities have taken steps to put someone in charge of all the efforts. Initially, they have either hired an ADA Coordinator or a consultant. With all the current responsibilities of current staff and this growing concern, it may be very difficult to assign this responsibility as part of a current employee's other job functions. It would be possible to send a new or current staff member for specialized training to become our expert.



Policy

Once we get a more solid foundation on this very liquid subject, it will be essential for the ADA Coordinator to research and develop a policy for keeping the City in compliance. Other local governments around the State of Florida may have a helpful roadmap for this.

Conclusion

The City must make some serious decisions on this front sooner rather than later. It is likely, if not inevitable that someone will serve the City with legal notice on this issue. In the end, we must keep in mind that these efforts should not necessarily be done to avoid or reduce litigation but to ultimately better serve our residents who are working to overcome the challenges of living with a disability. The intent is to make sure that everyone has an equal opportunity to stay informed with what is taking place in their local government.

For immediate consideration using a budget amendment

- IT's option #3 to by an Ace-2200 for Chambers and route all meetings through the Chambers equipment, \$73,000. This could require rescheduling of smaller meeting to not overlap Commission meetings.
- Site Improve \$7,000
- Improvements to website \$3,000. Funds could possibly be located in current Communications budget, instead of using budget amendment.



Captioning Options

December 18, 2018

Legal assumptions:

1. Captioning may be required on both live and historical videos. City Legal is still researching this, but Sarasota indicated that their Legal advised that both live and historical be captioned.
2. IT asked Legal if audio or video recordings are required. Legal said that they weren't required, but we would need a transcript of each meeting that can be read by a blind person using some sort of software.
3. IT asked Legal if we could just produce the captioned video upon request. Legal said that this would not satisfy the requirements of equal access.
4. IT asked Legal if the same captioning requirement existed for our social media channels. Legal said that platforms that exist only in cyberspace do not have this requirement, but that captioning is required on a web presence that is connected to a physical space like a store, City hall or government.

Sarasota County:

1. They bought a single Link Electronics Ace-2200 to do captioning for both live and historical videos. They only stream one event at a time (no overlap), so they only needed one Ace captioning device.
2. They said that State of Florida retention for videos is two years, but they keep six years of videos accessible to the public. They are captioning the historical video for the last two years, and they will caption videos in years 3-6 on a request basis. As time goes by, years 3-6 will roll out of retention, and all videos will have captioning.

North Port options:

We have two rooms that independently stream meetings, 244 and Chambers. We are moving the advisory boards into Granicus, so there will be more video recording and streaming of meetings in the future.

1. Granicus live transcriptions – Granicus does live transcribing using humans for an hourly rate. The transcription is streamed live and becomes part of the record, and the public can do text searches to find areas of the video that interests them. With Granicus, they could stream simultaneous meetings, when necessary. This option is more expensive, but would be a good short-term solution with little work other than scheduling time with Granicus. This would give us more time to engineer the best long-term solution. The following are their rates for bulk hours:

TERMS	RATE	OVERAGE
Hourly	\$150.00	----
>50 Hrs	\$143.50	\$145.00
50 Hrs > 100 Hrs	\$140.00	\$143.50
100 Hrs > 150 Hrs	\$137.50	\$140.00
150 Hrs > 200 Hrs	\$135.00	\$137.50
200 Hrs >	\$130.00	\$135.00

2. Buy an Ace-2000 for Room 244 (live streaming only), and an Ace-2200 for Chambers (live streaming and also captioning of historical videos). This would be a long-term solution for captioning. Estimated cost:
Ace-2000: Around \$52,000
Ace-2200: Around \$73,000
3. Buy an Ace-2200 for Chambers and route all room 244 meetings through the Chambers equipment. This would require that there are never any overlapping meetings scheduled in the two rooms. Cost would be around \$73,000.
4. Buy an Ace-2200 for Chambers (live and historical videos), and use Granicus for captioning room 244 live meetings. Estimated cost: \$73,000 for Ace-2200, and we would need to estimate the future meeting hours for 244 to get a cost.