



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
**www.kirklandwa.gov**

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance and Administration  
Kathi Anderson, City Clerk/Public Records Officer  
Amy Robles, Public Disclosure Analyst

**Date:** January 7, 2016

**Subject:** PUBLIC DISCLOSURE SEMI-ANNUAL PERFORMANCE REPORT

**RECOMMENDATION:**

City Council receives the semi-annual status report on the City's public records disclosure program pursuant to KMC 3.15.120.

**BACKGROUND:**

In accordance with KMC 3.15.120, this report presents the performance of the City's Public Disclosure Program during the second half of 2015. Pursuant to KMC 3.15.120 the semi-annual public record disclosure report shall include: (1) number of open records requests at the beginning of reporting period; (2) number of records requests received during the reporting period; (3) number of records requests closed in the period; and (4) number of open requests at the end of the reporting period. This information is represented in Figure A.

**Figure A**

<b>Mandatory Reporting Information</b>	
Number of Requests Open at Start of Reporting Period	52
Number of Requests Received During Reporting Period	2,098
Number of Requests Closed During Reporting Period	2,104
Number of Requests Open at End of Reporting Period	46

The City has continued to become more proficient in the use of the WebQA software. As previously reported, prior reports were skewed slightly. It was discovered that 10 requests had previously been entered with the incorrect receipt date. The reports have been reprocessed and the number of requests open at the start of this reporting period has been corrected from the previously reported 42 to 52. This was limited to a reporting issue and did not impact the processing of requests.

In 2014, the City implemented its records portal (WebQA) to streamline the public records request process. During 2015 continued attention was directed to refining the City's public records disclosure process with continued adjustments and customization of the software to address staff's needs and to provide better customer service to the public. Additionally, during

the current reporting period, a portion of the Public Disclosure Analyst's time was reallocated to development and implementation of staff training. Now that the implementation is well established, increased hours in the next two reporting periods will also be committed to that purpose.

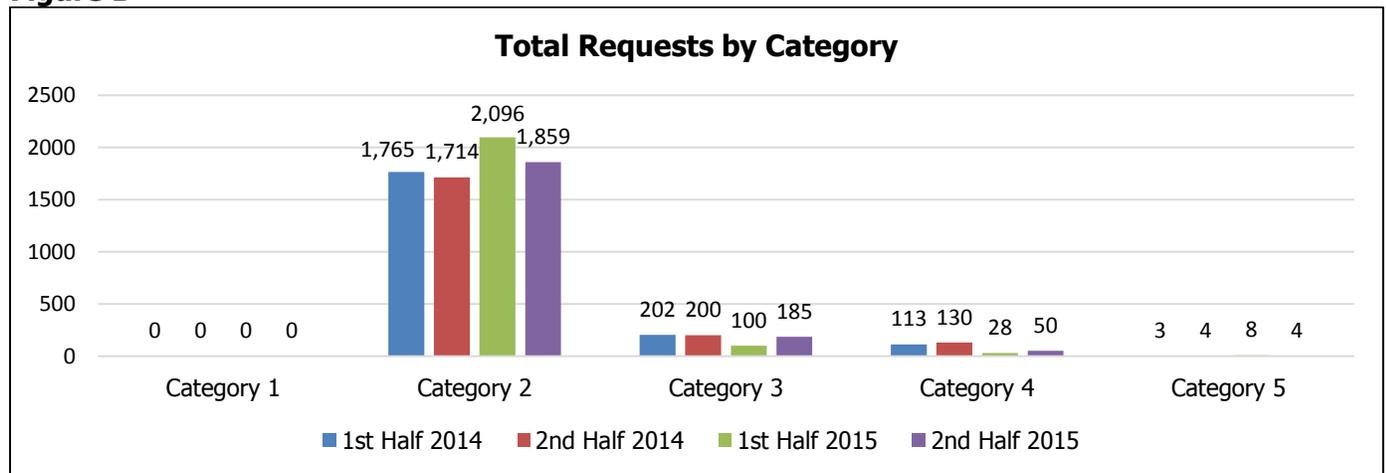
**DATA-BASED ANALYSIS OF PERFORMANCE:**

This report presents information reflecting the City's performance based on total requests received and evaluates performance in terms of processing time by category. Performance is presented as a comparison between the following four reporting periods: the first half of 2014, the second half of 2014, the first half of 2015, and the second half of 2015.

During the current reporting period, the City experienced a slight decrease in the total number of requests received. In comparing the total requests received in 2014 versus 2015, the City received a total of 4,131 requests in 2014 in contrast to 4,310 total requests in 2015. This comparison signifies an increase in the total number of requests received by the City in 2015.

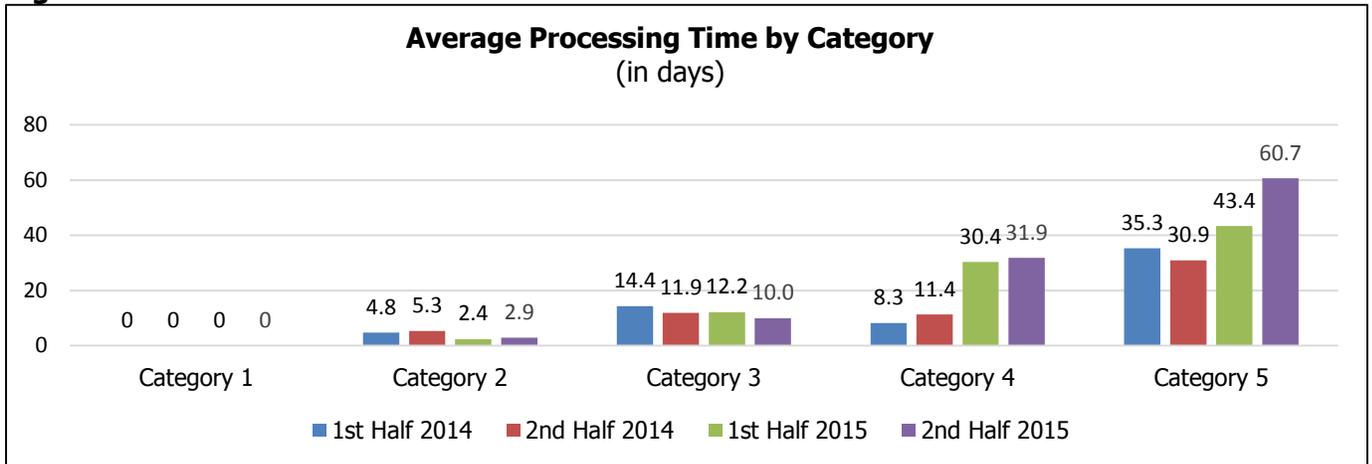
The City has also continued to experience an increase in the most complex category of requests. In 2014 a total of seven Category 5 requests were received. By way of contrast, in 2015, the City received a total 12 Category 5 requests. One of those requests is for inspection of every record maintained by the City of Kirkland (see attachment); that request alone will require years to complete at current staffing levels. The comparison of requests by category between the four reporting periods is presented in Figure B.

**Figure B**



The following table is an evaluation of the City's program by comparing the processing times for each category. Figure C presents data for the average processing time (in days) by category.

**Figure C**



The average processing time has increased overall in comparison to the last reporting period. The continued increase in processing times for Category 4 and Category 5 requests is due to the increased complexity involving the amount of data encompassed by the requests and the level of data review required prior to production.

While processing times have increased, all request categories continue to be managed simultaneously with daily management of all categories of requests.

Pursuant to the City's PRA Rule 080, the following goals for standard response time periods are established as follows (note that for categories 3, 4, and 5, the time is dependent on the nature and scope of the request):

- (a) Category 1 records requests - immediately or the next business day
- (b) Category 2 records requests - within five business days
- (c) Category 3 records requests - usually between 5 and 30 business days.
- (d) Category 4 records requests - may require several weeks to several months.
- (e) Category 5 records requests - may require several weeks to several months.

**NEXT STEPS AND CONCLUSION:**

The City continues to improve its ability to process public records requests efficiently with demonstrated success in processing requests within the parameters of the Public Records Act. It is anticipated that the City will continue to experience an increase in the volume and complexity of the public records requests it receives. Processing time for more complex requests is expected to increase though it will fluctuate somewhat due to the nature of these requests.

Continued development of training for staff regarding public disclosure and the Public Records Act is planned for 2016 and may impact overall processing times. It is anticipated that this focus on staff education will enhance customer confidence in the City's ability to efficiently respond to public records requests in accordance with state law.

This is a public records request to inspect ALL (all inclusive time frame) of Kirkland's public records with their associated meta-data except security video footage (do want all 911 calls/radio audio) that hasn't been retrieved for a specific incident. The purpose of my request is to make government as transparent as possible so that the public can fully control it and use it's public records for good purposes without having to request it. I'm PDRing all local government agencies in the county. I expect that you will forward this to all of the public records officers at Kirkland. I also expect you to immediately have all retention schedules frozen to ensure all public records are preserved so they can be released to me. I will make my own copies of the records and publish them on [insideyourgovernment.com](http://insideyourgovernment.com) I will not be selling the records. I will simply be posting them online and providing tools to use them for good purposes. For medical information please redact patient identities so I can have the substance. This records request is valid because it is not vague. "If a request is too vague, an agency can request a clarification. RCW 42.17.320. Here, it cannot be said that the request was vague. Rather, the issue is whether the request was overbroad." - See more at: <http://caselaw.findlaw.com/wa-supreme-court/1034370.html#sthash.IxCeoooz.dpuf>

The request was for "the opportunity to inspect all books, records, documents of every kind and the physical properties of the Elevated Transportation Company." I believe my request is similar to the one in *Hangartner v. City of Seattle*. The law was changed to allow overbroad requests which the court has reminded the State of Washington of: "Moreover, although DOT understandably is concerned about the time and expense it will incur in processing voluminous records requests, it would have been subject to the same burden had Mendoza de Sugiyama requested these records before any controversy with DOT was reasonably anticipated or had another member of the public made the same request under the PRA. The PRA specifically prohibits agencies from denying requests for public records solely on grounds that the request is overbroad. RCW 42.56.080. Accordingly, the vital government interests at stake here, based essentially on the breadth of the request, do not trump the mandate of the PRA and, therefore, RCW 42.56.290's exemption, which we must construe narrowly, does not apply."

[https://scholar.google.com/scholar\\_case?case=6841039534803055512&q=overbroad+%22public+records+act%22&hl=en&scisbd=2&as\\_sdt=4,48](https://scholar.google.com/scholar_case?case=6841039534803055512&q=overbroad+%22public+records+act%22&hl=en&scisbd=2&as_sdt=4,48) I request the first installment be provided no latter than Feb 1st, 2016. For my first installment(s) I request the following: \* All logs of public records requests \* The badge photograph of each non-criminal justice employee with associated name. I believe the public should be able to see who works on their behalf. \* All data in all HR databases. Please start with providing full name including middle name, hire date, position, income data. I want as complete as possible a history of who has worked for the county and as much data as the databases provide about what happened with them such as promotions and complaints. \* All job descriptions For my second installments(s) I request the following: \* All policies, procedures, guidelines, memos, and training materials For my third

installment(s) I request the following: \* Lists of SQL databases (database administrators typically have lists of databases) \* All data in all SQL databases \* Names/dates/sizes of all files on computers and hard drives (data is there just needs to be translated) \* All excel documents For my fourth installment(s) I request the following: \* All public records already released in response to public records requests For my fifth installment(s) I request the following: \* All call logs and text/instant messages on phones and computers that are even remotely related to work including messages about being sick and lunch invites For my sixth installment(s) I request the following: \* All complaints \* All thank yous, praises, etc For my seventh installment(s) I request the following: \* All emails with meta-data sent to and from managers, executives, and council members For my eight installment(s) I request the following: \* All computer source code where the code was written by county employees For my ninth installment(s) I request the following: \* All formal project documents For my last installment(s): \* Everything else in reverse chronological order Thank you, Tim