



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: Tracey Dunlap, Director of Finance and Administration
Kathi Anderson, City Clerk/Public Records Officer
Caleb Stewart, Public Disclosure Analyst

Date: July 3, 2014

Subject: PUBLIC DISCLOSURE SEMI-ANNUAL REVIEW

RECOMMENDATION

City Council receives the semi-annual status update per Ordinance 4414 related to public records disclosure and the City's public records disclosure program.

BACKGROUND

Ordinance 4414 provides that, "no later than July 31 and January 31 of each year, the City Clerk will submit to the City Council a report on the city's performance in responding to public records requests during the preceding six months." This is the first of the semi-annual reports to Council regarding the City's Public Disclosure Program. In the first six months, the City's Public Disclosure Program has seen steady progress in the refinement process, as well as improvement in the response times for completed requests. Written protocols and procedures are in their final stages. Once finalized, all major components of configuration will be formalized for each department's use so as to maintain uniformity in the system.

The City continues to be recognized for its approach to public disclosure. In addition to the Washington Coalition for Open Government (WCOG) Key Award received in September 2013, the City's public records disclosure legislation and program was recognized on June, 20, 2014 by the Association of Washington Cities (AWC) with a Municipal Excellence award for innovation in open government. A brief video in which Mayor Walen, Councilmember Nixon and the City Manager were featured, and which was shown at the awards breakfast is available [here](#).

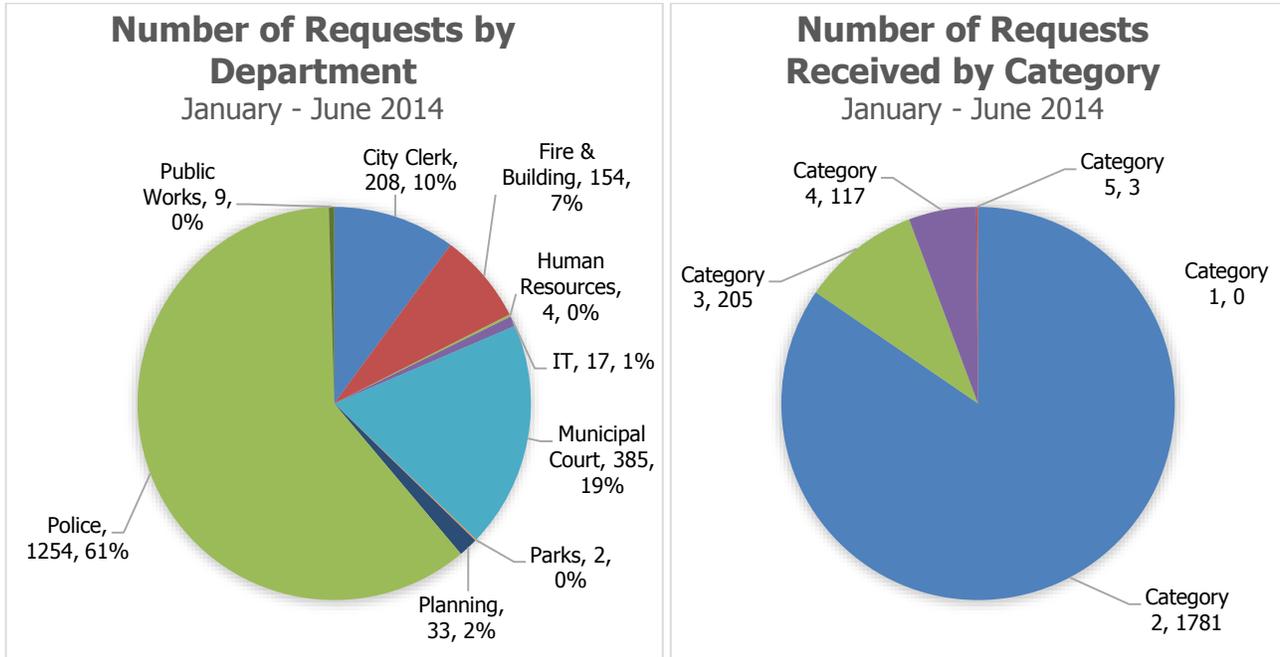
Statistics will continue to be utilized to identify process refinements and training needs on an ongoing basis. As discussed below, the key statistics for these purposes are: the total number of requests by department and by category, the total number of closed requests, closed requests by category, and average days to close each request by category.

Total Number of Requests

One of the most basic statistics is the number of requests processed by the City. For these purposes, the requests that are tracked by department, specifically City Clerk/Finance and Administration, Fire

and Building, Human Resources, Information Technology (IT), Parks, Police, Planning, Public Works, and the Municipal Court.¹

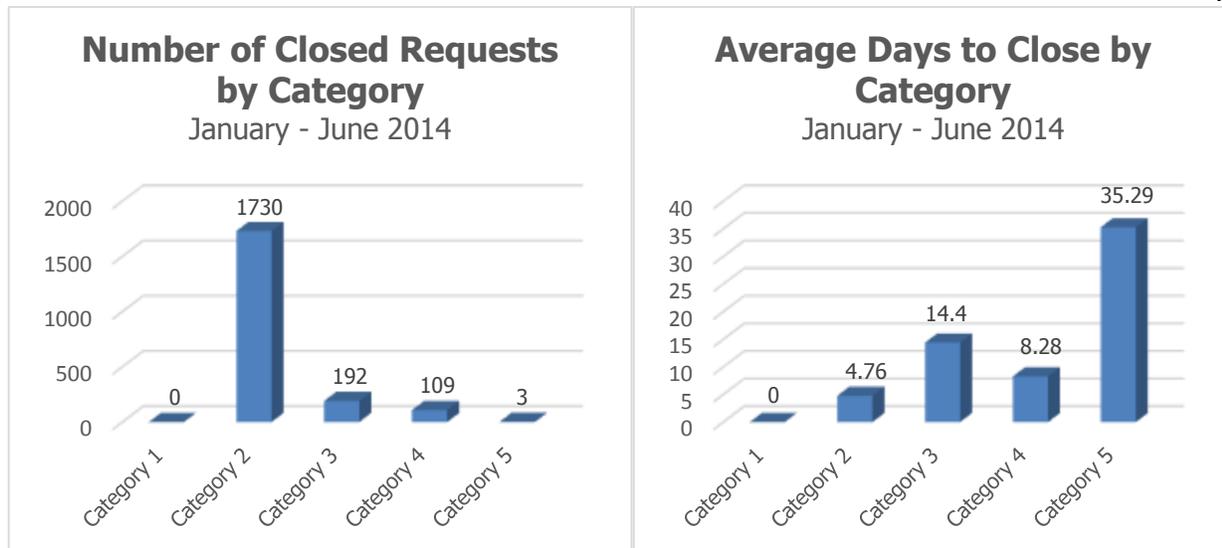
In the first six months of tracking, 2,034 requests have been received, which would annualize to 4,068 requests for the year, higher than the estimated 3,024 presented to Council at the April 15, 2014 meeting. The requests received by department and category are summarized in the charts below. There are currently 23 open requests.



Categories and Processing Times for Closed Requests

The statistics below show the differences in Categories and how the City's process times have changed for closed requests. Since the April 15 update, the City has reduced processing times for larger requests. The difference, for instance, between a Category 2 and a Category 4 response, on average, was close to twenty days from open to close. Now the difference between a Category 2 and a Category 4 is approximately three days. The City's average time to complete requests is less than or equal to the estimated times established in the City's Public Records Act Rules.

¹ Note that though the Municipal Court's records requests are not governed by the Public Records Act the City tracks the requests processed by the Court for budget and workload evaluation purposes.



Next Steps

As the program matures, we expect the scope and volume of the requests will continue to increase. As an example, the City has received daily requests from a citizen for the last four months that traverses five departments. In this way, the requests have increased in breadth, depth and quantity. These types of requests will likely continue to increase over time. Therefore, our processes and procedures will continue to be refined and adapted in order to fully assist City staff in this age of burgeoning technology and to provide the best service possible for our citizens in a transparent, cost effective manner.

Continued training and refinement of processes will provide City staff with an ongoing understanding of the importance of transparency from both a customer service and liability standpoint, and will further reinforce staff and the public's certainty that they are providing and receiving thorough and accurate responses within a reasonable timeframe.

The City Council, as part of the 2015-2016 biennial budget process later this year, will determine and establish the on-going level of effort to be devoted to public records responses and the amount of resources to be allocated. KMC Chapter 3.15.130 (b), specifies that "Starting with the 2015-2016 biennial budget process...the City Council will devote at least a portion of a public work session or Council meeting specifically to public records response resource allocation before adopting the final budget." In accordance with Ordinance 4414, this Public Records mid-year review provides data to assist with Council's deliberations that will take place as part of the budget process this fall.

Also attached is information regarding new open government training requirements which became effective on July 1st following the passage of [ESB 5964](#) earlier this year.



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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kathi Anderson, City Clerk/Public Records Officer
Tracey Dunlap, Director, Finance and Administration

Date: July 2, 2014

Subject: New Open Government Training Requirements

New open government training requirements for governing bodies, elected officials and public records officers became effective on July 1, 2014 with the legislature's passage of [ESB 5964](#) earlier this year.

Requirements include (as summarized by AWC):

- *Open meetings:* Every member of a governing body (including members of boards and commissions) of a public agency must complete open meetings training within 90 days after taking the oath of office or otherwise assuming official duties. Training must be completed every four years and may be completed remotely.
- *Public records and records retention:* All elected officials, people appointed to vacancies in elected offices, and public records officers/managers must complete training in public records and record retention within 90 days after taking the oath of office or otherwise assuming official duties. The training must be consistent with the Attorney General's model rules for compliance with the public records act and records retention. The training also must be completed every four years.

The training requirement is not meant to be onerous and provides a great deal of flexibility in how officials can comply. Training may be taken remotely (i.e. via webinar) or at an offsite training event, among other options.

Staff has forwarded a communication to the City Council, Houghton Community Council and all City Boards and Commissions with links to currently available online training and upcoming offsite opportunities. Included are links to other resources that offer further information (attached).

The Attorney General encourages all of those subject to the requirement to take training in 2014 to establish this as the base year and then retrain every four years or upon re-election or appointment. While not all Board and Commission members may be required by the legislation to participate, staff will encourage them to do so as part of their orientation and to ensure that they have this knowledge to better prepare them for their role in civic service.

The City Clerk's office will follow up with Council, Board and Commission members to log and track their completion of the training to establish a record of participation.

From: Kathi Anderson

Sent:

To:

Subject: New Open Government Training Act effective July 1st - Your Responsibilities

(The following information has been compiled from a number of sources, including AWC, MRSC and Washington State websites and communications)

New open government training requirements for governing bodies, elected officials and public records officers became effective on July 1, 2014 with the legislature's passage of ESB 5964 earlier this year.

- *Open meetings:* Every member of a governing body (including members of boards and commissions) of a public agency must complete open meetings training within 90 days after taking the oath of office or otherwise assuming official duties. Training must be completed every four years and may be completed remotely.
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The training requirement is not meant to be onerous and provides a great deal of flexibility in how officials can comply. Training may be taken remotely (i.e., webinar), provided locally by your city attorney, or completed at an offsite training event.

The Attorney General has developed this Open Government Training Q & A to help answer questions about this new requirement. The Attorney General and AWC encourage those subject to the requirement to take training during 2014 to establish this as the base year and then retrain every four years or upon re-election/appointment.

Upcoming ways to meet the training requirement

Live trainings

Washington State Auditor's Open Government & Transparency Training Sessions: Everett – July 9, Tacoma – July 10, Yakima – September 17 and Tri-Cities – September 18

Webinar & computer based options

AWC Open Government Webinar, Catch the Open Government Trainings Act

Speakers: Nancy Krier, Assistant Attorney General for Open Government, Washington State Attorney General's Office; Scott Sackett, Electronic Records Management Consultant, Washington State Archives

Washington State Attorney General's online training curriculum

More open government resources

Municipal Research & Services Center (MRSC)

- [Practice Tips & Checklists](#)
- [Public Records](#)
- [Open Meetings](#)
- [Webinar: Public Records: Tackling the Tough Questions \(Including Use of Smart Phones and Other Thorny Issues\)](#)

Washington State Attorney General [Open Government page](#)

Washington Secretary of State [Records Management for Local Government](#)

[Washington Association of Public Records Officers](#)

[Washington Coalition for Open Government Public Records Act](#)

Here is additional information and links from the State Auditor's webpage:

The Washington State Auditor's Office Local Government Performance Center has partnered with the Municipal Research and Services Center of Washington to develop tools and resources that will provide practical assistance and a guide to best practices. The training sessions are free of charge and designed to help elected and appointed local government leaders to excel in records management and compliance with the Open Public Meetings Act and the Public Records Act.

The sessions will also include a presentation by State Auditor's Office staff on the role of our Office and common issues that arise during an audit.

"Local government leaders understand the value of transparency of government and accountability to their constituents," Auditor Kelley said. "These free training sessions offer the knowledge, resources and tools to help them succeed through established best practices, and to fulfill our vision of government that works for citizens."

 [2014TownHallPresentation_attendees_notes.pdf](#)

Open Government and Transparency Training Resources

 [Open Government and Transparency Training](#)

 [OPMA Agency Obligations - a Starting Point](#)

 [OPMA - Executive Sessions](#)

 [OPMA Notice Requirements](#)

 [PRA - Agency Obligations: a Starting Point](#)