



MEMORANDUM

To: Kurt Triplett, City Manager

From: Caleb Stewart, Public Disclosure Analyst
Kathi Anderson, City Clerk
Tracey Dunlap, Director, Finance and Administration

Date: September 17, 2014

Subject: Public Disclosure Resources Issue Paper

BACKGROUND:

At their July 16, 2013 City Council meeting, Council adopted Ordinance No. 4414 and Resolution No. 4987 related to public disclosure. The central purpose of the Ordinance is twofold. The first is for the City Council to determine what comprises a reasonable commitment of resources to Public Records Act requests. The Ordinance establishes that this determination shall be made during the biennial budget process when the Council balances all of the needs and priorities of the City. The second purpose is to enhance transparency and public confidence in the process through logs, best practices, and standardized communication with requestors so that requestors, Council and the public know the status of requests, the estimated time of response, and that changes in status will be clearly tracked and communicated. The accompanying Resolution updated the City's Public Records Rules to be consistent with the Ordinance, and to further define the City's process to help ensure compliance with the Public Records Act and to prevent excessive interference with other essential functions of the City.

Public Disclosure Resources

One of the key objectives of the ordinance was to establish the level of effort devoted to Public Disclosure so that it does not create "excessive interference" with other essential functions of the agency. The primary purpose of the Public Records Act (PRA) is to create transparency and accountability in government. In determining an appropriate resource level, Kirkland looked at the annual amount spent having the Washington State Auditor review the City's financial performance and compliance. Staff deemed the audits to have a similar mission to the PRA in regards to government transparency and accountability, and there is consensus that the state system of audits is thorough and effective. Therefore, the cost of the Washington State Auditor's Office to audit Kirkland provides a relevant benchmark. The Auditor's Office includes the annual audit cost as a percentage of the jurisdiction's total expenses as part of its audit report.

Establishing the level of resources is based on a sample year basis; for the 2013-2014 budget an estimate for 2013 was used and for the 2015-2016 budget 2015 forms the base. The level of recommended resources in the 2015-2016 preliminary budget reflects continuation of the temporary Public Disclosure Analyst in the City Clerk’s office and continue to support the use of the WebQA’s software. The estimate of resources included in the 2015-2016 budget is a lower dollar amount than estimated in 2013-2014 reflecting more refined resource estimates and the shift in work to the Public Disclosure Analyst. The revised data reflects that workload resources for public disclosure differ from previous estimates due in part to more accurate data collection as a result of implementing the WebQA tracking software, but also due to refinements in the public records process. For example, several departments have centralized their record responsibilities which has shifted workload within the department. Additionally, original estimates attributed a large portion of the work to the City Attorney’s office and the “Cost of Consultants for records review” but much of this load has been shifted to the City Clerk’s office with the addition of the Public Disclosure Analyst. The 2013 estimate is compared to the 2015 projection in the table below.

Resource Allocation Year	2013	2015
Last Completed Audit Report	2011	2012
Audit Cost	71,240	67,747
Total City Expenses from Audit	146,648,234	169,223,328
Audit Percentage	0.05%	0.04%
Estimated PDO cost	375,000	330,000
PDO Percentage	0.26%	0.20%
PDO %/Audit %	5.26	4.87

The City’s proposed level of effort in responding to public records requests in 2015-2016 represents nearly five times the amount spent on the last completed audit and is approximately 0.20 percent of the City’s total expenses, as determined by that audit.

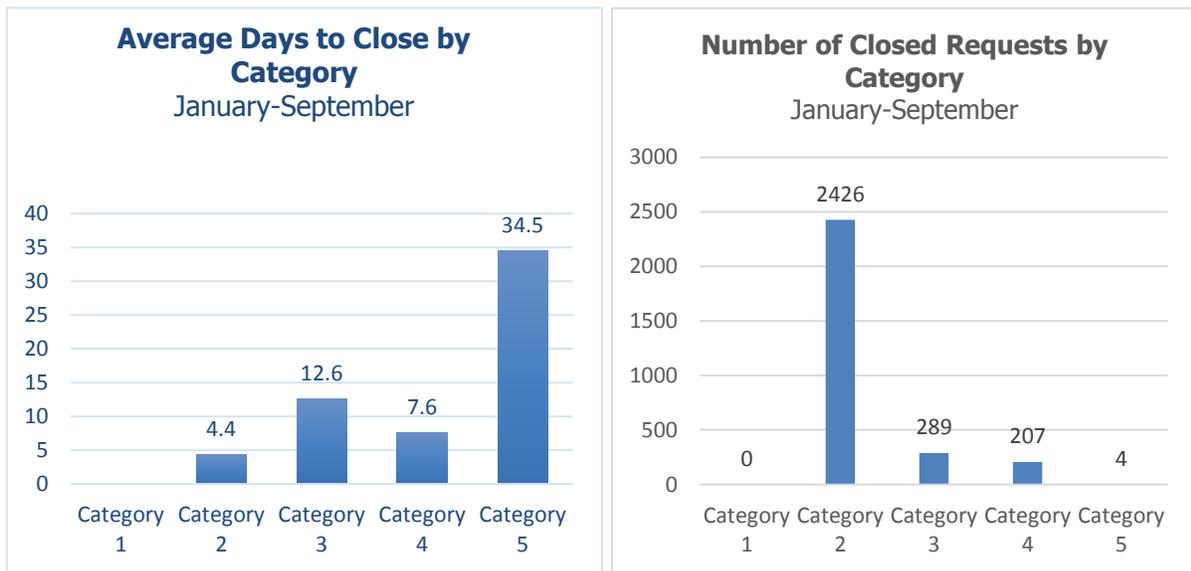
These costs do not include the time spent by staff members each year who do not have specific public records responsibilities, but are called upon to provide records in response to a request. The Ordinance provides that, for those City employees for whom responding to records requests is not among their primary assigned duties, the need to devote more than ten hours per month to records requests is presumed to interfere with their ability to perform essential functions. This provision does not mean that the staff member does not continue to respond, only that the response may be delayed and the requestor notified of the delay.

The Ordinance provides that, starting with the 2015-1016 biennial budget process, the City Council shall biennially determine and establish the level of effort to be devoted to public records responses and the amount of resources to be allocated. The Ordinance specifies that during the Council budget deliberations, a portion of a public work session must be devoted to public records response. This discussion will occur at the October 30 Council Study Session on the 2015-2016 Preliminary Budget.

Program Status Update

On January 2, 2014, the City began tracking public records requests and responses by department and category through the new software application utilizing an online web portal. Updates on the program and its success were presented to Council on April 15, 2014 and July 15, 2014.

Following the implementation of the City's public records portal, the City has been able to assemble clear data tracking the number of public records requests received, which continue to increase in both quantity and complexity. The number of more complex requests (Categories 3, 4 and 5) has steadily risen. In early 2014, the original estimate of yearly requests provided to Council was 3,000; in July of 2014 the forecast for the year had risen to 4,000, based on the current trajectory.



Utilizing the provided resource, in the first nine months of this year the City's public disclosure program has seen steady progress in the management, process refinement and improved response times for completed requests. In September 2013 the Washington Coalition for Open Government presented the City with its Key Award in recognition of its 'notable contribution' for the cause of open government, and the Association of Washington Cities (AWC) recognized the City's public disclosure legislation and program with an award for Innovation in Open Government at their June 2014 conference.