



CITY OF KIRKLAND
Department of Finance & Administration
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Michael Olson, Director of Finance and Administration
Kathi Anderson, City Clerk/Public Records Officer
JamieLynn Estell, Deputy City Clerk

Date: August 4, 2021

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 first half of 2021. [KMC 3.15.120](#) states that the semi-annual public records disclosure report shall include: (1) the number of open records requests at the beginning of reporting period; (2) the number of records requests received during the reporting period; (3) the number of records requests closed in the period; and (4) the number of open requests at the end of the reporting period. This information is represented in Figure A.

Figure A

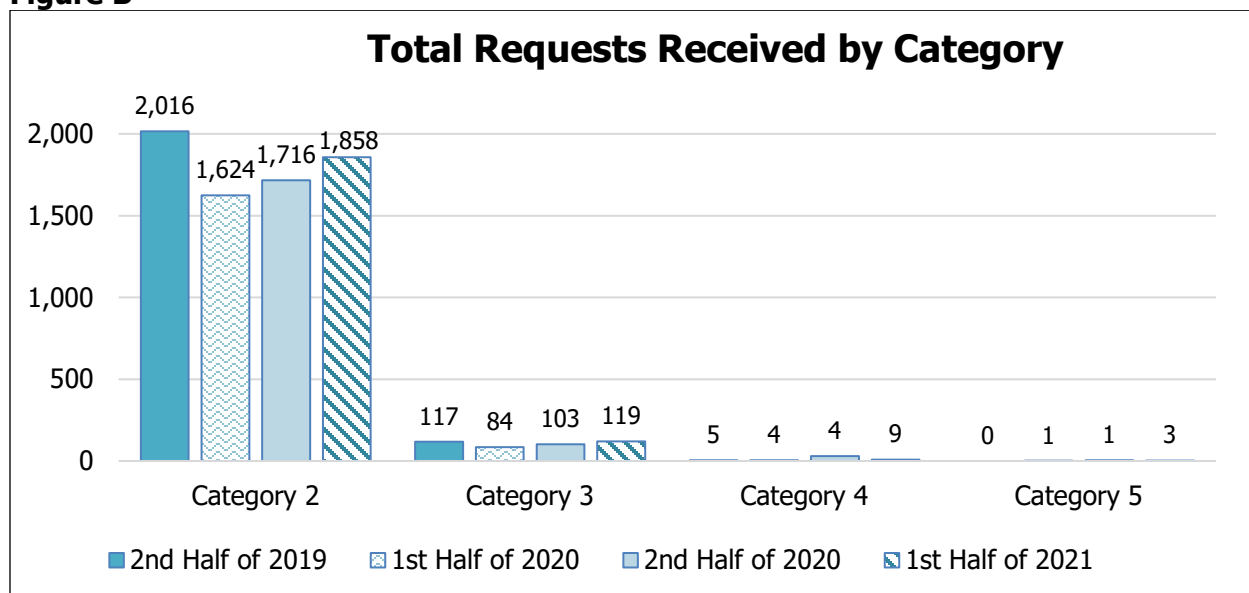
Mandatory Reporting Information	
Requests Open on January 1, 2021	87
Requests Received January 1 – June 30, 2021	1,989
Requests Closed January 1 – June 30, 2021	1,981
Requests Open on June 30, 2021	95

DATA-BASED ANALYSIS OF PERFORMANCE

This report presents information on the City's performance by comparing the total requests received and the average time it took to process them. Performance is presented as a comparison between four reporting periods: the second half of 2019, the first and second halves of 2020, and the first half of 2021.

The City experienced a 16% increase in the total number of requests from the second half of 2020 compared to the first half of 2021; 1,713 to 1,989. The comparison of requests by category between the four reporting periods is presented in Figure B.

Figure B¹



Pursuant to the City's PRA Rule 080, the following goals for standard response time periods are established as follows: ²

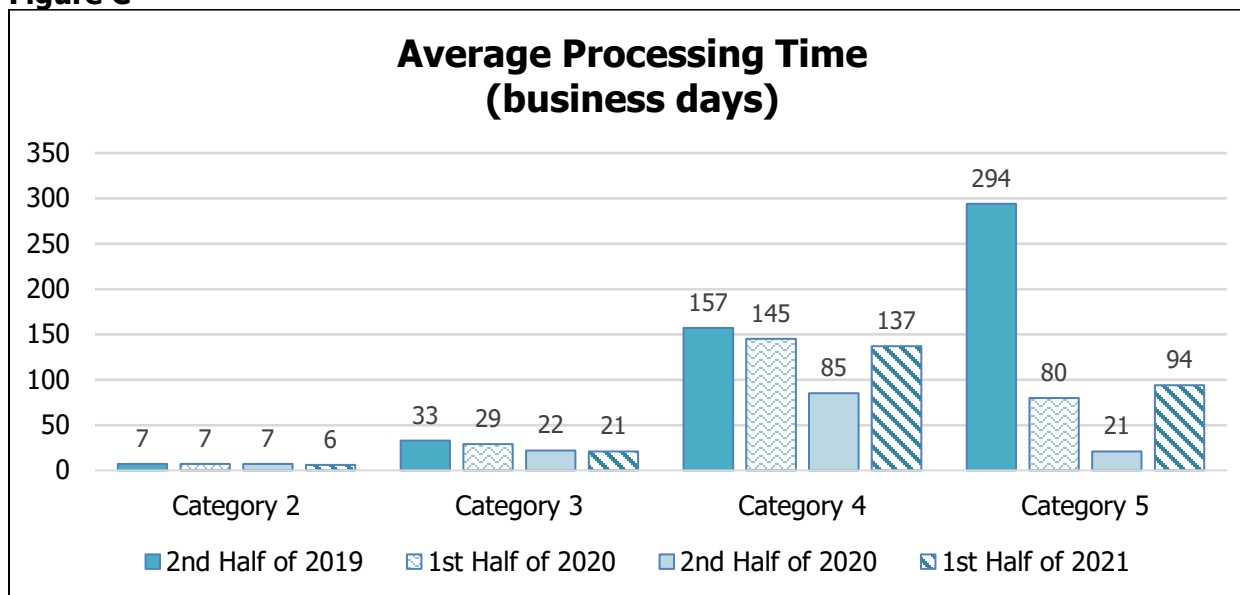
- a) Category 1 records requests are defined as needing immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests. *Public Records has never received any requests that fit within this designation.*
- b) Category 2 records requests are defined as routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments.
- c) Category 3 records requests are defined as routine requests that involve:
 - i. A large number of records, and/or
 - ii. Records that are not easily identified, located and accessible, and
 - iii. Records that require some coordination between departments.
- d) Category 4 records requests are defined as complex requests which may be especially broad or vague which involve:
 - i. A large number of records that are not easily identified, located or accessible, requiring significant coordination between multiple departments, and
 - ii. Research by City staff who are not primarily responsible for public disclosure and/or
 - iii. Review by public disclosure staff to determine whether any of the records are exempt from production
- e) Category 5 records requests are complex requests that may be especially broad or vague which involve:
 - i. A large number of records that are not easily identified, located or accessible, requiring coordination between multiple departments, and
 - ii. Research by City staff who are not primarily responsible for public disclosure and/or
 - iii. Legal review and creation of an exemption log. These requests may require additional assistance from third parties in identification and assembly.

¹ There were no Category 1 requests received during any of the reporting periods

² Time is dependent on the nature and scope of the request for category 3, 4, and 5 requests

Figure C presents data for the average processing time (in business days) by category. The data only reflects processing time for requests that have been closed during the current reporting period.

Figure C



TIMELINE FACTORS

The primary factors contributing to the increase of average processing times in this reporting period have been the increase in Category 4 and 5 queues that have required complicated email capture parameters, review of increasingly large volumes of content (in the thousands of emails), in-depth research and additional legal review, and the corresponding time dedicated to accomplish that in addition to identifying exemptions, executing redactions, and creating the associated exemption logs.

The State mandated Joint Legislative Audit and Review Committee (JLARC) report for 2020 was submitted online June 28, 2021 and is included as Attachment A.

RELATED UPDATES

Staff has begun preliminary review of the internal minimum threshold under which fees for hardcopy and electronic records are currently being charged and will present any necessary updates to the Public Records Act Rules to Council in the February 2022 report.

The Public Disclosure Steering Team will continue to assess the needs of the public records program. The current funding level appears to be adequate; to date, the program has not needed to draw on the \$100,000 Public Records Contingency Fund approved by the City Council in 2017.

Public Records Requests Report for Kirkland for 2020

Attachment A

Baseline data

The reporting period is for the calendar year (January 1st to December 31st). [Click here](#) for guidance related to Baseline data.

Baseline data

Total number of open public records requests at the beginning of the reporting period

88

Of the number of requests open at the beginning of the reporting period, how many were closed during the reporting period?

75

Total number of public records requests received during the reporting period

3652

Total number of public records requests closed during the reporting period

3069

The number of public records requests closed prior to the Governor's declared public health emergency (March 23, 2020)

Metric 1

Total number of requests closed within five days. [Click here](#) for guidance related to Metric 1.

Number of requests closed within five days

Number of requests closed within five days

2571

If your agency feels the data provided for this metric is unduly influenced by a small number of unusually large requests, you may provide additional explanation here

Metric 2

The number of requests where an estimated response time beyond five days was provided. [Click here](#) for guidance related to Metric 2.

Number of requests where an estimated response time beyond 5 days was provided

Number of requests where an estimated response time beyond five days was provided

1081

You may provide additional explanation here for the data provided for this metric

Metric 3

Average and median number of days from receipt of request to the date of final disposition of request. [Click here](#) for guidance related to Metric 3.

Average and median number of days from receipt to final disposition

Number of requests with final disposition

3144

Number of days to final disposition

21990

Median number of days to final disposition

4

Average number of days to final disposition (calculated)

7.0

If your agency feels the data provided for this metric are unduly influenced by a small number of unusually large requests, you may provide additional explanation here

Metric 4

Number of public records requests for which the agency formally sought additional clarification from the requester. [Click here](#) for guidance related to Metric 4.

Number of requests for which additional clarification was sought

Number of requests with additional clarification sought

235

You may provide additional explanation here for the data provided for this metric

Metric 5

Number of requests denied and the most common reasons for denying requests. [Click here](#) for guidance related to Metric 5.

Number of requests denied in part or in full.

Number of closed requests that were denied in full

91

Number of closed requests that were partially denied or redacted

1260

Please provide the 5 to 10 most common reasons for denying requests during this reporting period

Reason 1

42.56.240

Reason 2

42.56.230

Reason 3

42.56.250

Reason 4

42.56.070

Reason 5

5.60.060(2)(a)

Reason 6

Reason 7

Reason 8

Reason 9

Reason 10

You may provide additional explanation here for the data provided for this metric

Metric 6

Number of requests abandoned by requesters. [Click here](#) for guidance related to Metric 6.

Number of requests abandoned by requesters

Number of requests abandoned by requesters

121

You may provide additional explanation here for the data provided for this metric

Metric 7

Number of requests, by type of requester. [Click here](#) for guidance related to Metric 7.

Number of requests, by type of requesters

Requester type	Individuals
Other (please explain)	
Total requests	929
Requester type	Law firms
Other (please explain)	
Total requests	302
Requester type	Organizations
Other (please explain)	
Total requests	215
Requester type	Insurers
Other (please explain)	
Total requests	41

Requester type	Governments
Other (please explain)	
Total requests	157
Requester type	Incarcerated persons
Other (please explain)	
Total requests	1
Requester type	Media
Other (please explain)	
Total requests	24
Requester type	Current or former employees
Other (please explain)	
Total requests	9
Requester type	Anonymous
Other (please explain)	
Total requests	1883
Requester type	Other
Other (please explain)	It is a designated option on the dropdown
Total requests	91

You may provide additional explanation here for the data provided for this metric

Metric 8

Percent of requests fulfilled electronically compared to the percent of requests fulfilled by physical records. [Click here](#) for guidance related to Metric 8.

Percent of requests fulfilled electronically compared to percent fulfilled by physical records
Number of requests fulfilled electronically 2323
Number of requests fulfilled by physical records 170
Number of requests fulfilled by electronic and physical records 91
Number of requests closed with no responsive records 560

Percent of requests fulfilled electronically (calculated)

74%

Percent of requests fulfilled by physical records (calculated)

5%

Percent of requests fulfilled by electronic and physical records (calculated)

3%

Percent of requests closed with no responsive records (calculated)

18%

You may provide additional explanation here for the data provided for this metric

Metric 9

Number of requests where one or more physical records were scanned to create an electronic version to fulfill disclosure. [Click here](#) for guidance related to Metric 9.

Number of requests where records were scanned**Requests scanned**

2127

You may provide additional explanation here for the data provided for this metric

Metric 10

Average estimated staff time spent on each public records request. [Click here](#) for guidance related to Metric 10.

Average estimated staff time spent on each request**Estimated total staff time in hours**

4694

Average estimated staff time in hours per request (calculated)

1

If your agency feels the data provided for this metric is unduly influenced by a small number of unusually large requests, you may provide additional explanation here

Metric 11

Estimated total costs incurred by the agency in fulfilling records requests, including staff compensation and legal review and average cost per request. [Click here](#) for guidance related to Metric 11.

Estimated total costs incurred**Estimated total cost**

\$430,374

Average estimated cost per request (calculated)

\$115.07

☒ Our agency applied an overhead rate in our calculation of estimated costs.

You may provide additional explanation here for the data provided for this metric

Took the 12 most prolific users of our records request software + the City Attorney at the mid-step of salaries. Each position multiplied by loaded rate of 2.04 divided by the 13 staff members to calculate the average hourly rate. The "Cost of Time Spent on Requests" report was run out of our system that calculates time spent per request = 4694.49 hours multiplied by the average hourly rate (\$416,832.14) + the cost of GovQA from January-December 2020 (\$13,542.30) = \$430,374.44

Metric 12

Number of claims filed alleging a violation of Chapter 42.56 or other public records statutes during the reporting period, categorized by type and exemption at issue (if applicable). [Click here](#) for guidance related to Metric 12.

Number of claims filed alleging a violation of Chapter 42.56 RCW

There were no claims filed alleging a violation of Chapter 42.56 RCW.

You may provide additional explanation here for the data provided for this metric

Metric 13

Costs incurred by the agency litigating claims alleging a violation of Chapter 42.56 RCW or other public records statutes during the reporting period, including any penalties imposed on the agency. [Click here](#) for guidance related to Metric 13.

Costs incurred litigating claims alleging a violation of Chapter 42.56 RCW

Total litigation costs

\$0

You may provide additional explanation here for the data provided for this metric

Metric 14

Estimated costs incurred by the agency with managing and retaining records, including staff compensation and purchases of equipment, hardware, software, and services to manage and retain public records. [Click here](#) for guidance related to Metric 14.

Estimated costs incurred managing and retaining records

Cost of agency staff who manage/retain records

\$4,107,490

Cost of systems that manage/retain records

\$309,980

Cost of services purchased for managing/retaining records

\$46,787

Total estimated cost for managing and retaining records (calculated)

\$4,464,257

☒ Our agency applied an overhead rate in our calculation of estimated costs.

You may provide additional explanation here for the data provided for this metric

Metric 15

Expenses recovered by the agency from requesters for fulfilling public records requests, including any customized charges. [Click here](#) for guidance related to Metric 15.

Expenses recovered from requesters	
Total Expenses Recovered	\$72
Customized Service Charges	
Description of Service Charges	
You may provide additional explanation here for the data provided for this metric	