



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: February 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 second half of 2020. [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 July 1, 2020	71
Requests Received July 1 – December 31, 2020	1,854
Requests Closed July 1 – December 31, 2020	1,846
Requests Open on December 31, 2020	79

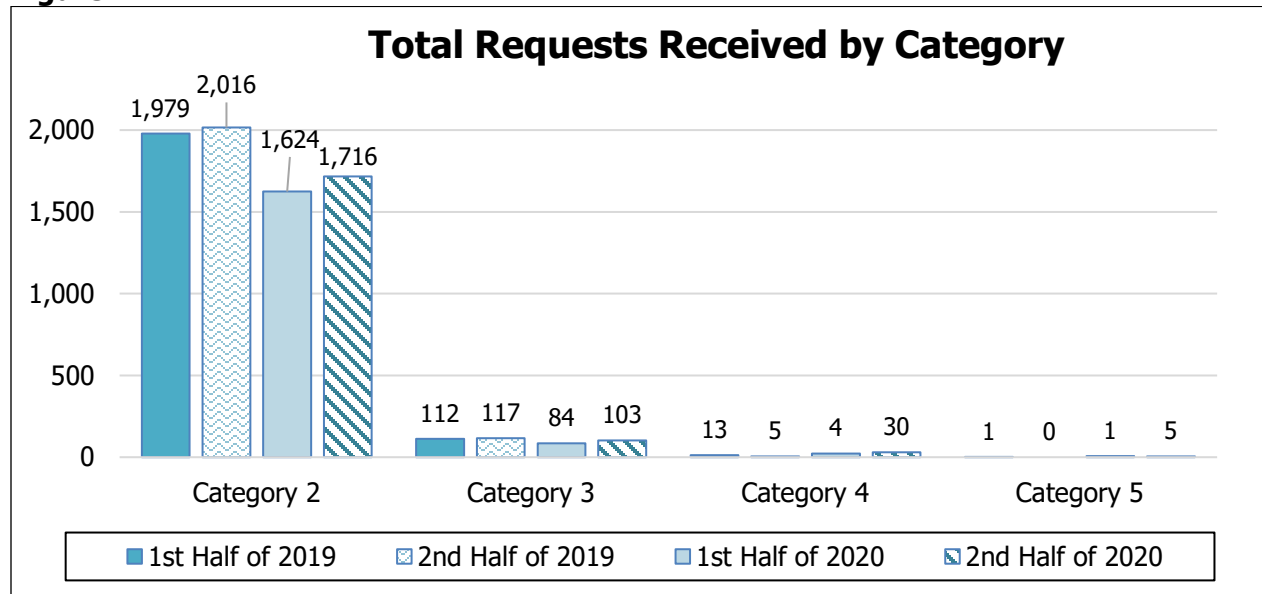
DATA-BASED ANALYSIS OF PERFORMANCE

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 first and second halves of 2019, and the first and second halves of 2020.

The City experienced an 8.2% increase in the total number of requests from the first half of 2020 compared to the second half of 2020; 1,713 to 1,854. The comparison of requests by category between the four reporting periods is presented in Figure B.

Those numbers include a significant increase in category 4 and 5 requests during the last half of 2020 which will result in a corresponding increase in processing times in future reports when those requests are fulfilled and close.

Figure B¹



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

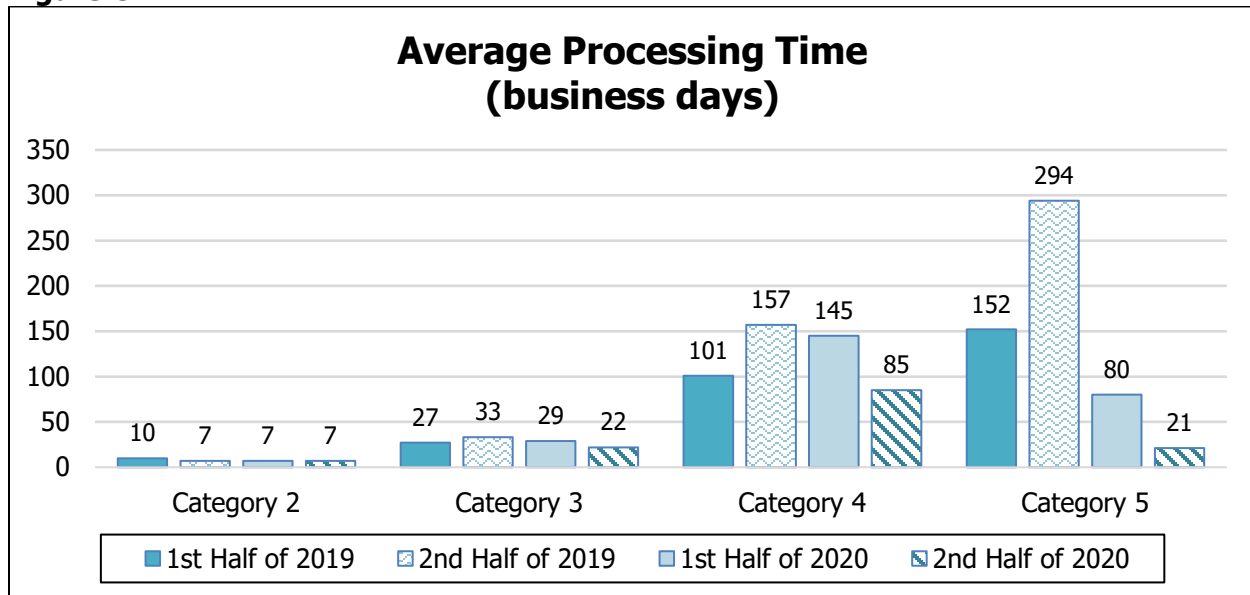
- a) Category 1 records requests are defined as needing immediate response in the interest of public safety (imminent danger). These requests shall take priority over all other requests. *Public Records has never received requests that fall in this designation.*
- b) Category 2 records requests are defined 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 decrease of average processing times in this reporting period for all categories were:

- COVID-19 slowed the number of records requests from a normal 80-100+ total requests in queue per day to 50-60 total requests in queue per day

PUBLIC RECORDS ACT UPDATES

[Senate Concurrent Resolution 8402](#)- extends pandemic related provisions of [Proclamation 20-28](#) relating to the Open Public Meetings Act and Public Records Act until:

- Termination of the state of emergency pursuant to RCW 43.06.210 or
- Rescinded by gubernatorial or legislative action

RELATED UPDATES

Staff anticipates completing a review of the internal minimum threshold under which fees for hardcopy and electronic records are currently being charged and to implement any resulting changes before the next semi-annual 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.

On August 31, 2020, the City submitted the State tracking and reporting requirements to the Joint Legislative Audit and Review Committee (JLARC). The 2019 data report was comprised of 15 metrics collected from January 1 to December 31, 2019 and is Attachment A to this memo.

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
<div>Total number of open public records requests at the beginning of the reporting period</div> <div>119</div>
<div>Of the number of requests open at the beginning of the reporting period, how many were closed during the reporting period?</div> <div>116</div>
<div>Total number of public records requests received during the reporting period</div> <div>4353</div>
<div>Total number of public records requests closed during the reporting period</div> <div>4136</div>

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
<div>Number of requests closed within five days</div> <div>2485</div>
<div>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</div>

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
<div>Number of requests where an estimated response time beyond five days was provided</div> <div>1868</div>
<div>You may provide additional explanation here for the data provided for this metric</div>

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

4252

Number of days to final disposition

43248

Median number of days to final disposition

6

Average number of days to final disposition (calculated)

10.2

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**

387

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**

105

Number of closed requests that were partially denied or redacted

2409

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

5.60.060(2)(a)

Reason 5

42.56.070

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

142

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	914
Requester type	Law firms
Other (please explain)	
Total requests	374
Requester type	Organizations
Other (please explain)	
Total requests	274
Requester type	Insurers
Other (please explain)	
Total requests	76

Requester type	Governments
Other (please explain)	
Total requests	187
Requester type	Incarcerated persons
Other (please explain)	
Total requests	3
Requester type	Media
Other (please explain)	
Total requests	56
Requester type	Current or former employees
Other (please explain)	
Total requests	10
Requester type	Anonymous
Other (please explain)	
Total requests	2394
Requester type	Other
Other (please explain)	It's a designated option on the dropdown
Total requests	65

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 3172
Number of requests fulfilled by physical records 248
Number of requests fulfilled by electronic and physical records 202
Number of requests closed with no responsive records

630

Percent of requests fulfilled electronically (calculated)

75%

Percent of requests fulfilled by physical records (calculated)

6%

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

5%

Percent of requests closed with no responsive records (calculated)

15%

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

2499

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

3912

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

\$301,248

Average estimated cost per request (calculated)

\$67.36

☒ **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

1. Took the 11 most prolific users of our records request software + the City Attorney 2. Took the mid step of each position multiplied by loaded rate of 2.04. 3. Divided that number by the 12 staff to calculate the average hourly rate. 4. Ran a report out of our system that calculates time spent per request = 4035.16 hours 5. 4035.16 hours multiplied by the average hourly rate (\$288,007.53) + the cost of GovQA from for 2019 (\$13,240.88) = \$301,248.41 6. \$301,248.41/4353 requests = \$69.20

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

\$3,971,037

Cost of systems that manage/retain records

\$308,141

Cost of services purchased for managing/retaining records

\$44,559

Total estimated cost for managing and retaining records (calculated)

\$4,323,737

☒ **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	\$244
Customized Service Charges	
Description of Service Charges	

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

Scanning and hard copy costs