



MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: September 29, 2016

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.

Establishing the level of resources is based on a sample year basis: for the 2015-2016 budget an estimate for 2012 was used and for the 2017-2018 budget, 2015 forms the base. The level of recommended resources in the 2017-2018 preliminary budget reflects the ongoing Public

Disclosure Analyst position in the City Clerk's office and continues to support the use of GovQA software. The 2017-2018 estimate is compared to the 2015-2016 allocation in the table below.

Resource Allocation Year	2015	2017	2015-2017
Last Completed Audit Report	2012	2015	% Increase
Audit Cost	\$ 67,747	\$ 103,700	53%
Total City Expenses from Audit	\$ 169,223,328	\$ 189,178,430	12%
Audit Percentage	0.04%	0.05%	
Estimated PDO cost	\$ 330,000	\$ 369,846	12%
PDO Percentage	0.20%	0.20%	
PDO %/Audit %	4.87	3.57	

The City's proposed level of effort in responding to public records requests in 2017-2018 represents approximately three and a half 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. The audit cost increased over 50% since 2012, reflecting both the full impact of annexation on the audit requirements, alignment with jurisdictions of similar size, and SAO cost increases. This results in the audit as a percentage of the total expenses increasing by over 30%. The total expenses have only grown by 12%, which is also the percentage by which the public disclosure cost has increased.

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 2015-2016 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. This determination is informed, in part, by the semi-annual report to the Council also required by the Ordinance. During these reports, the Council can review the number of requests, the average time it is taking the City to respond, and then determine if additional resources are necessary. 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 27, 2016 City Council Study Session on the 2017-2018 Preliminary Budget. Since the Council will set the level of effort devoted to public records in all future budget processes, the linkage to the Auditor's expenses will be discontinued in future budget documents. Clarification of this intent and other housekeeping changes to the ordinance that have been identified since implementation will be brought back for Council consideration in early 2017.