



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
Anja Mullin, Deputy City Clerk

Date: October 9, 2020

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 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 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 further defined the City's process to help ensure compliance with the Public Records Act (PRA) and to prevent excessive interference with other essential functions of the City.

Public Disclosure Resources

One of the key objectives of the ordinance is 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 PRA is to create transparency and accountability in government. Since implementation of the program as achieved by the 2013 legislation, the City now has several years of actual expenditures as a base for ongoing resource budgeting estimates. The current estimates consider trends experienced in the current biennial budget period, which are subject to a number of factors outside the City's control, in particular both the number and complexity of the requests received in any year.

There is a slight increase in the recommended budget for the upcoming budget period in the table below, which reflects estimated increases in normal and routine resource investments

including salary expenditures and the continued and expanded support of GovQA public disclosure request management software.

The \$100,000 public records contingency fund remains unexpended to date. The fund was established by the Council at its November 8, 2017 meeting, to provide a conservative safety net if needed to meet any budgetary challenges due to complex records requests which cannot be reliably forecast.

	2019-2020	2021-2022
	Estimate	Recommended Budget
Public Disclosure Costs	\$625,250	\$636,605
Contingency Fund	\$100,000	\$100,000
Total	\$725,250	\$736,605

Public Disclosure program costs include the dedicated Deputy City Clerk for Public Disclosure and Police Public Disclosure Analyst, as well as significant portions of time from the City Clerk/Public Records Officer, the City Attorney, Police Records, Judicial support, Human Resources, Planning and Building and other departmental administrative and records management support positions. City staff believe the proposed level of investment is sufficient to maintain appropriate responsiveness to public records requests.

As previously reported to Council, State legislation in the form of House Bill 1594, effective July 23, 2017, requires that the City submit a report on specific metrics every year to the Joint Legislative Audit and Review Committee¹. These metrics provide us with data from the GovQA software to compare and more accurately estimate resource needs for biennial budget purposes.

The costs reflected in the budget estimates do not include the time spent each year by City staff members without specific public records responsibilities, who are nevertheless called upon to identify and produce records in response to requests when required. The City's 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 in order to accommodate those essential functions, and that the requestor will then be notified of the delay.

The ordinance also 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 may 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, 2020 City Council Special Study Session on the 2021-2022 Preliminary Budget.

¹ JLARC report is attached as Appendix A

Public Records Requests Report for Kirkland for 2019

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

119

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

116

Total number of public records requests received during the reporting period

4353

Total number of public records requests closed during the reporting period

4136

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

2485

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

1868

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

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
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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