



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

May 27, 2009

The Honorable Mary Verner
City of Spokane
Spokane City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201

RE: Copy Charges for Public Records

Dear Mayor Verner:

I am the Attorney General's Open Government Ombudsman and provide technical assistance to the public for access to public records and meetings. Cheryl Mitchell contacted me regarding the amount that the city charges for copies of public records. Pursuant to Attachment C of the City of Spokane's administrative policy, the city made a determination that its actual costs for providing copies are \$1.58 for the first page and \$0.52 for each subsequent page.

http://www.spokanecity.org/services/documents/file/ViewAttachment.aspx?FILUP_ID=9504

Most cities charge a flat rate of \$0.15 per page, and commercial businesses charge about \$0.10 a page for photocopies and still manage to make a profit. The City of Spokane's method for calculating its copying charges are unique. It assumes that a person with gross wages and benefits of more than \$62,000 will be making photocopies. It also assumes that it takes three minutes to copy the first page and one minute to copy each additional page.

I encourage the city to review its actual costs to ensure they are reasonable. Calculation of staff time should be based on the wages of a position that ordinarily would be tasked with the bulk of copying duties, and not for an employee who might occasionally provide copying services. Additionally, almost all copiers are able to make copies far faster than what is assumed in the city's calculation.

Additionally, the city's charges include \$15 for a copy of an audio tape, \$4 for a copy of a CD, and \$11 for a copy of a DVD. The actual costs of tapes, CD's, and DVD's are under a dollar to purchase commercially. The city's administrative policy does not provide any justification (required by law) for how these copy costs are determined.

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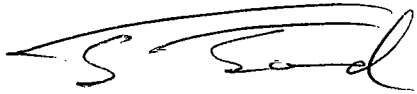
The Public Records Act allows an agency to impose a “reasonable charge” for providing copies of public records but states that “charges shall not exceed the amount necessary to reimburse the agency”. RCW 42.56.120. The Attorney General’s model rules state:

An agency should generally compare its copying charges to those of commercial copying centers. WAC 44-14-07001(2).

An agency can send the project to a commercial copying center and bill the requestor for the amount charged by the vendor. An agency is encouraged to do so when an outside vendor can make copies more quickly and less expensively than an agency. WAC 44-14-07001(5).

I encourage the city to review its administrative policy providing charges for copies of public records to ensure they are reasonable and consistent with the purpose of the Public Records Act and consistent with the Attorney General’s model rules.

Sincerely,



TIMOTHY D. FORD
Open Government Ombudsman

TDF/eg
Enclosure

cc: Terri Pfister, City Clerk
Pat Dalton, City Attorney
Cheryl Mitchell, Attorney at Law