

Resolution 2016-95
Increase in Kootenai County Sheriff's Office Fee Schedule

WHEREAS, *Idaho Code* §31-3203 vests the Board of County Commissioners with the power and authority to set, by resolution, civil fees to be charged by the Kootenai County Sheriff's Office for various civil services provided by the Sheriff's Office within Kootenai County; and,

WHEREAS, *Idaho Code* §31-3203 states that the civil fees established shall be reasonable related to but not exceed the actual costs of the civil services provided; and

WHEREAS, *Idaho Code* §63-1311A allows for fee increases not to exceed 5% after a properly noticed public hearing has been held; and,

WHEREAS, the Kootenai County Board of County Commissioners adopted Resolution 2003-80 on July 1, 2003, setting the civil fees to be charged by the Kootenai County Sheriff's Office; and,

WHEREAS, in April 2016 the Kootenai County Auditor's Office conducted a fee analysis and found that the Sheriff's Office costs of providing the civil services had significantly increased since the adoption of Resolution 2003-80;

WHEREAS, after discussion the results of the fee analysis, and after reviewing the nature and extent of the civil services being provided and considering the demand for such services and the manpower necessary to provide such services, it has been determined that an adjustment of these fees is necessary due to the changes in the expenses incurred by the Kootenai County Sheriff's Office in providing the civil services in Kootenai County.

WHEREAS, legal notice of the proposed civil fee increase was published in the Coeur d' Alene Press, and a public hearing was held on August 23, 2016 as required under *Idaho Code* §63-1311A;

NOW THEREFORE, BE IT HEREBY RESOLVED that the fee schedule attached hereto as Exhibit "A" and incorporated herein by reference shall apply to civil services provided by the Kootenai County Sheriff's Office effective August 23, 2016, and such fee schedule shall continue in effect for succeeding years, unless changed or modified by formal resolution.

BE IT FURTHER RESOLVED THAT Resolution 2016-95 shall supersede Resolution 2003-80.

Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Stewart, seconded by Commissioner Eberlein, the following vote was recorded:


Commissioner Stewart: Aye
Commissioner Eberlein: Aye
Chairman Green: Aye

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 23rd day of August, 2016.

KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Daniel H. Green, Chairman



Marc Eberlein, Commissioner



David Stewart, Commissioner

ATTEST:
JIM BRANNON, CLERK



Deputy Clerk

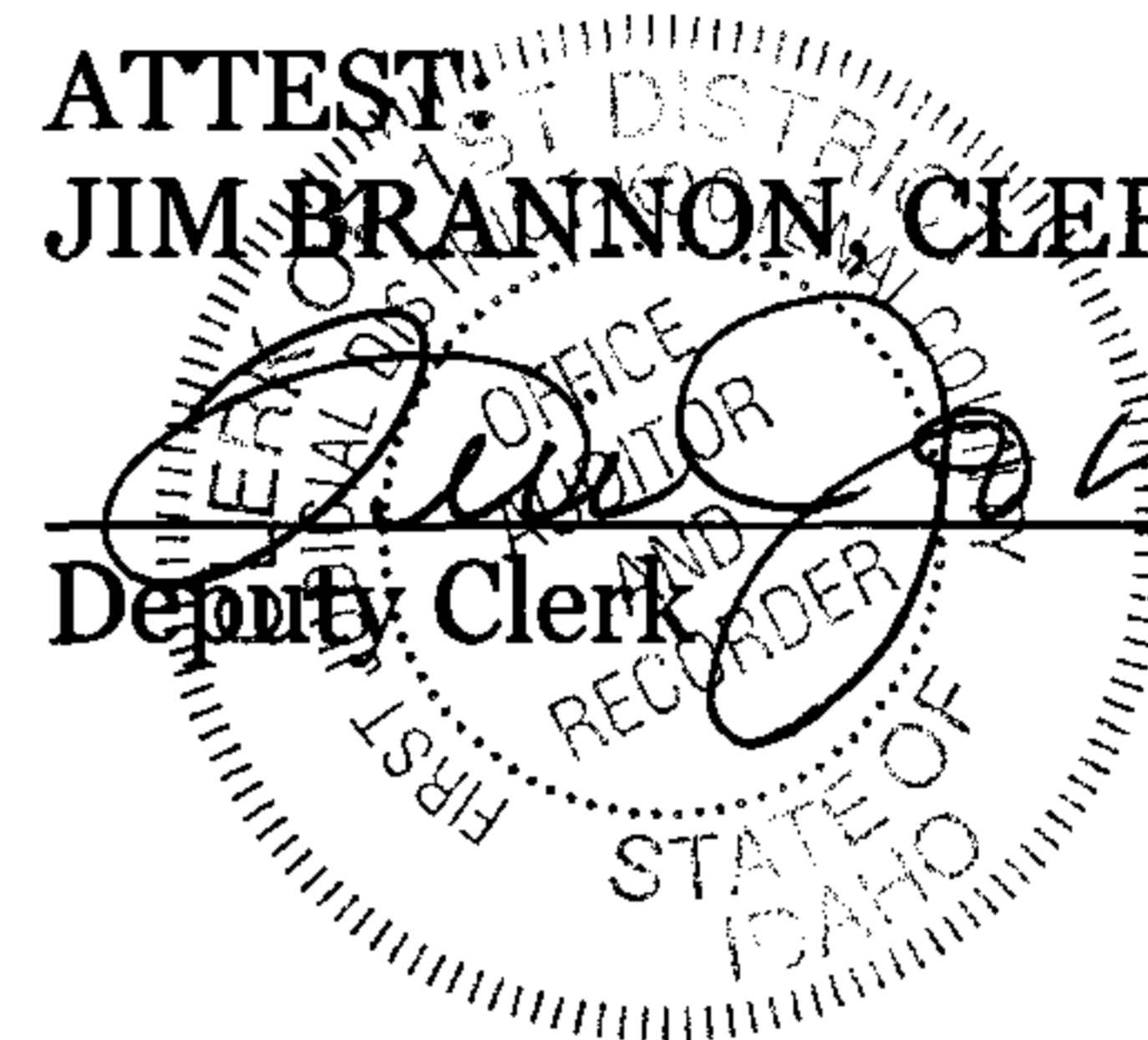


EXHIBIT "A"

NO.	CATEGORY	CURRENT FEE	PROPOSED FEE
1	For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant	\$10.00	\$40.00
2A	For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property	\$45.00 Personal Property	\$130.00
2B	For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property	\$20.00 Garnishments & Bank Account Attachments	\$80.00
3	For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than five dollars (\$5.00) per diem or the reasonable costs incurred by a keeper in preserving said property	\$ 10.00 plus \$29.85 x Deputy Hours Involved	\$20.00 plus \$60.66 x Deputy Hours Involved
4	For making and issuing a keeper's receipt	\$ 5.00	\$10.00
5	For taking a bond or undertaking in any case in which he is authorized to take the same	\$10.00	\$20.00
6	For copy of and making return on any writ, process or other paper, when demanded or required by law	\$20.00	\$65.00
7	For serving every notice, rule or order	\$10.00	\$35.00
8	For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio	\$ 35.00	\$155.00
9	For serving a writ of possession or restitution, putting a person in possession of premises and in removing the occupant	\$35.00	\$135.00
10	For holding each inquest, or trial of right of property, to include all services in the matter except mileage	\$3.00	\$6.00
11	For serving a subpoena, for each witness summoned	\$10.00	\$35.00

EXHIBIT "A" TO RESOLUTION 2016-95 - 3

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12	For commission for receiving and paying over money on execution or other proceeds, when land or personal property has been levied on and sold, on the first one thousand dollars (\$1,000), two percent (2%); on all sums above that amount, one percent (1%); but in no case of sale of real estate shall his commission exceed the sum of \$100.00 (When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.)	\$100.00 Maximum	\$100.00 Maximum
13	For commissions for receiving and paying over money on execution without levy, or where lands or goods levied on are not sold, on the first one thousand dollars (\$1,000), one and one-half percent (1 1/2%); and one-half (1/2) of one percent (1%) on all over that sum, but not to exceed in any case \$75.00	1.5% on first \$1,000 and .5% on all over that sum, not to exceed \$6.50 each check	1.5% on first \$1,000 and .5% on all over that sum, not to exceed \$13.00 each check
14	For drawing and executing a sheriff's deed, including the acknowledgment, to be paid by the grantee before delivery	\$10.00	\$50.00
15	For executing a certificate of sale, exclusive of the filing and recording of same	\$10.00	\$50.00
16	For making every arrest in a criminal proceeding	\$5.00	\$10.00
17	For summoning each juror	\$1.00	\$2.00
18	For serving a subpoena in a criminal action or proceeding, for each witness summoned	\$10.00	\$35.00
19	For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled for the first twenty-five (25) miles no charge shall be allowed, and for any miles traveled over twenty-five (25) miles, even if process is not served, the following shall be allowed, in going only	\$.40 per mile	Federal mileage rate in effect at time of travel Current Rate \$0.54/mi

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20	For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only	\$.40 per mile	Federal mileage rate in effect at time of travel Current Rate \$0.54/mi
21	For each additional prisoner taken at the same time, per mile	\$.25 per mile	\$.50 per mile
22	For all services under the election laws, the same mileage and fees as in this chapter provided for similar services		
23	For copy of and making an interim return on a continuing garnishment to show disbursement of moneys held by the sheriff	\$6.50	\$18.00
24	For postage and processing of each mail renewal class D driver's license authorized pursuant to section 49-319, Idaho Code	\$1.00	\$2.00
	Certified Mailing Cost (1oz./#10 Envl)	\$6.00	\$7.00

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JUSTIFICATION OF COSTS

CATEGORY	JUSTIFICATION OF COSTS	AMOUNT	PROPOSED NEW RATE
2A – Personal Property	Clerk costs @ 1.25 hours: Office overhead: Deputy costs @ .75 hours: Vehicle Overhead: TOTAL:		
2 B– Wage Garnishments and Bank Attachments	Clerk costs @ 1 hour: Office overhead: TOTAL:		
3	Clerk costs @ 0.5 hours: Office overhead: Deputy & vehicle costs @ \$_____ per man hour TOTAL: COSTS AT \$____/MAN HOUR		
6	Clerk costs @ 1 hour: Office overhead: TOTAL:		
8	Clerk costs @ 1/3 hour: Office overhead Deputy costs @ 1 hour: Vehicle overhead: TOTAL:		
9	Clerk costs @ ¼ hour: Office overhead: Deputy costs @ 1 hour: Vehicle overhead: TOTAL:		
13	Clerk costs each time @ 1/3 hour: Office overhead: TOTAL:		

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15	Clerk costs @ 0.5 hour: Office overhead: TOTAL:		
23	Clerk costs @ 1/3 hour: Office overhead: TOTAL:		

EXHIBIT "A" TO RESOLUTION 2016-95-7

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KCSO Civil Fee Analysis

	Category	Total Costs	Current Fee	% Difference	Comment
1	For serving summons and complaint, or any other process by which an action or proceeding is commenced, on each defendant.	\$40.43	\$10.00	304.30%	
2a	For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property.	\$135.38	\$45.00 Personal Property	200.84%	
2b	For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property.	\$82.07	\$20.00 Garnishments & Bank Account Attachments	310.33%	
3	For his trouble and expense in taking and keeping possession of and preserving property under attachment or execution, or other process, such sum as the court may order: provided, however, that said sum shall be no more than five dollars (\$5.00) per diem or the reasonable costs incurred by a keeper in preserving said property.	\$60.66 per deputy hour	\$10.00 PLUS \$29.85 X Deputies Hours Involved.	52.23%	
4	For making and issuing a keeper's receipt.	-	\$5.00	-	Did not cost per Civil
5	For taking a bond or undertaking in any case in which he is authorized to take the same.	-	\$10.00	-	Did not cost per Civil
6	For copy of and making return on any writ, process or other paper, when demanded or required by law.	\$66.90	\$20.00	234.50%	
7	For serving every notice, rule or order.	\$39.81	\$10.00	298.06%	
8	For making and posting notices, and advertising property for sale on attachment or execution, or under any judgment or order of sale, exclusive of the costs of publication, each notice, per folio.	\$157.89	\$35.00	351.13%	
9	For serving a writ of possession or restitution, putting a person in possession of premises and removing the occupant.	\$136.79	\$35.00	290.82%	
10	For holding each inquest, or trial of right of property, to include all services in the matter except mileage.	-	\$3.00	-	Did not cost per Civil
11	For serving a subpoena, for each witness summoned.	\$39.81	\$10.00	298.06%	

Category		Total Costs	Current Fee	% Difference	Comment
12	For commission for receiving and paying over money on execution or other process, when land or personal property has been levied on and sold, on the first one thousand dollars (\$1,000.00), two percent (2%); on all sums above that amount, one per cent (1%); but in no case of sale of real estate shall his commission exceed the sum of \$100.00. (When the amount of such sale is credited on the debt and no money is transferred, then one-half (1/2) of such commission.)	-	\$100.00 Maximum	-	Did not cost per Civil
13	For commissions for receiving and paying over money on execution without levy, or where lands or goods levied on are not sold, on the first one thousand dollars (\$1,000.00), one and one-half percent (1.5%); and one-half (1/2) of one percent (1%) on all over that sum, but not to exceed in any case \$75.00.	-	1.5% on first \$1,000.00 and 0.5% on all over that sum not to exceed \$6.50 each check.	-	Did not cost per Civil
14	For drawing and executing a sheriff's deed, including the acknowledgement, to be paid by the grantee before delivery.	\$51.73	\$10.00	417.34%	
15	For executing a certificate of sale, exclusive of the filing and recording of same.	\$51.73	\$10.00	417.34%	
16	For making every arrest in a criminal proceeding.	-	\$5.00	-	Did not cost per Civil
17	For summoning each juror.	-	\$1.00	-	Did not cost per Civil
18	For serving a subpoena in a criminal action or proceeding, for each witness summoned.	\$38.85	\$10.00	288.50%	
19	For traveling to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, venire, attachment on property, to levy an execution, to post notice of sale, to sell property under execution or other order of sale, or execute an order of arrest, or order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, for each mile actually and necessarily traveled for the first twenty-five (25) miles, even if process is not served, the following shall be allowed in going only.	-	\$0.40 per mile	-	Suggest using the Federal Mileage rate (\$0.54 per mile) and stating on fee schedule that it is based on Federal rate.

Category		Total Costs	Current Fee	% Difference	Comment
20	For traveling to execute any warrant of arrest, subpoena, venire or other process in criminal cases, or for taking a prisoner from prison, before a court or magistrate, or for taking a prisoner from the place of arrest to prison, or before a court or magistrate, for each mile actually and necessarily traveled, in going only.	-	\$0.40 per mile	-	Suggest using the Federal Mileage rate (\$0.54 per mile) and stating on fee schedule that it is based on Federal rate.
21	For each additional prisoner taken at the same time, per mile.	-	\$0.25 per mile	-	Did not cost per Civil
22	For copy of and making an interim return on a continuing garnishment to show disbursement of moneys held by the sheriff.	\$18.28	\$6.50	181.29%	
23	For postage and processing of each mail renewal class D driver's license authorized pursuant to section 49-319, Idaho Code.	-	\$1.00	-	Did not cost per Civil

Fee Notes

There were several categories that we did not cost due to direction from command staff. They are the following:

- 4 – Civil stated they do not make or issue a Keeper's Receipt
- 5 – Civil stated they have never charged for this
- 10, 16, 17, 21, & 23 – Not Civil department fees

Several other categories were also not costed. They are listed below with our recommendation for them:

- 12 & 13 – Civil stated they wish to ask for a flat fee for this service and a alteration to the fee verblage
 - We recommend that this change be discussed with command staff and the legal representation for the Sheriff's office.
- 19 & 20 - Due to them being mileage rates
 - We recommend that the wording be changed to state it is the same as the current Federal rate and not list a specific amount.

Per the Civil department's request, we calculate the cost of a certified mailing. The cost for the postage can vary based on weight, size and envelope used. For our calculation we costed the starting price of a certified mailing (one ounce max in a #10 envelope). The total cost is \$7.09. (Envelope = 0.02, 2 labels = 0.06, postage = 0.47, Certified mail = 3.30, return receipt = 2.70, one minute of Civil Tech II time = 0.54)