

RESOLUTION NO. # 18 - 36

Bonner County Sheriff

Bonner County Sheriff Civil Fee Schedule Change

WHEREAS, Idaho Code 31-3203, authorizes Bonner County Commissioners to set sheriff's fees by resolution of the Board; and

WHEREAS, Idaho Code 11-729, Sheriff Fee for Service, requires the Board of County Commissioners of each county to set sheriff's fees for serving an initial order of garnishment and writ of execution by resolution; and,

WHEREAS, Idaho Code 11-729, also allows for the Board of County Commissioners to set an additional lesser fee for making an interim return on a continuing garnishment to show disbursement of moneys held by the Sheriff for return service; including for receiving and paying over money from any money garnishment, and including wage garnishment or financial institution garnishment. Such fees shall be established using criteria determined by the board not to exceed actual costs directly incurred for order of garnishment and writ of execution service; and,

WHEREAS, Idaho Code 11-729, requires the Board of County Commissioners to annually publish on the county website the criteria used to establish the total fee and the value of each criterion's proportionate share of the total fee; and,

WHEREAS, the Bonner County Sheriff has reviewed and analyzed the actual cost of service of process and determined that the following fees should be revised to more accurately reflect but not exceed the actual costs of serving and processing wage or financial institution garnishments:

For serving of a writ of wage garnishment or financial institution garnishment when service is allowed by mail pursuant to Idaho Law including a return of service. **\$48.00**

For serving of writ of wage garnishment, or financial institution garnishment by personal service when an acknowledgment was not received by the Sheriff on a mailed service including a return of service. **\$80.00**

For copy of and making a return on any document to show disbursement of monies held by the Sheriff in addition to the return of service included in all service fees. **\$5.00**

WHEREAS, the Bonner County Sheriff would like to propose a change in the Real Property Advance fee column from \$350.00 to \$1000.00 to cover publications, Sheriff's and Recorder's Fees; and

WHEREAS, legal notice of the proposed civil fee increase was published in the Bonner County Daily Bee, and a public hearing was held on February 27, 2018, as required under Idaho Code 63-1311A;

NOW, THEREFORE, BE IT RESOLVED that the fee schedule attached hereto as Exhibit "A" and formula criteria to be used for establishing garnishment fees and will apply to civil services provided by the Bonner County Sheriff's Office and shall continue in effect for succeeding years, unless changed or modified by formal resolution. Such changes shall be in effect as of February 27, 2018.

ADOPTED as a Resolution of the Board of Commissioners of Bonner County upon a majority vote on the 27th day of February, 2018.

BOARD OF BONNER COUNTY COMMISSIONERS



Glen Bailey, Chairman




Daniel McDonald, Commissioner



Jeff Connolly, Commissioner

ATTEST: Michael Rosedale

By 
Deputy Clerk

**SCHEDULE A
BONNER COUNTY SHERIFF FEES
PROPOSED**

	PROPOSED		
	Service Fee	Return Fee	Advance * Fee
Affidavit and Order	\$25.00	\$25.00	
Cancel Service Before Attempt		\$25.00	
Cancel Service After Attempt		\$25.00	
Certificate of Redemption		\$25.00	
Certificate of Sale-Personal Property		\$25.00	
Certificate of Sale-Real Property		\$25.00	
Certified Mail	Actual Cost		
Complaint	\$25.00	\$25.00	
Copy Legal Documents	\$1.00 per page		
Cross-Complaint	\$25.00	\$25.00	
Earning Withhold Order	\$25.00	\$25.00	
Impound Storage Fee	\$5.00 per day		
Injunction	\$25.00	\$25.00	
Interim Return	Actual Cost		
Mileage (per mile-one way)	First 25 Miles N/C; Over 25 Miles \$.40 per mile		
Not Found Return		\$25.00	
Notice	\$25.00	\$25.00	
Notice of Levy	\$10.00		
Notice of Sale	\$10.00		
Notice to Pay or Quit	\$25.00	\$25.00	
Notice to Vacate	\$25.00	\$25.00	
Order	\$25.00	\$25.00	
Order to Appear or Examine	\$25.00	\$25.00	
Order to Show Cause	\$25.00	\$25.00	
Postage	Actual Cost		
Restraining Order	\$25.00	\$25.00	
Return of Service (any document)		\$25.00	
Sheriff's Deed	\$25.00		

**SHERIFF'S SALE FEES ON WRIT OF EXECUTION
PERSONAL PROPERTY:**

Notice of Levy	\$10.00		
Notice of Sale	\$10.00		
Mileage (per mile-one way)	First 25 Miles N/C; Over 25 Miles \$.40 per mile		
Post Each Notice	\$6.00		
Publication	Actual Cost		
Commission	Not to exceed \$100.00		
Commission-NO SALE	N/C		
Commission Credit Bid-Plaintiff Only	\$50.00		
Towing	Actual Cost		\$250.00*
Certificate of Sale	\$25.00		

Service Fee	Return Fee	Advance * Fee
----------------	---------------	------------------

REAL PROPERTY:			
Notice of Levy	\$10.00		
Notice of Sale	\$10.00		
Mileage (per mile-one way)	First 25 Miles N/C; Over 25 Miles \$.40 per mile		
Post Each Notice	\$6.00		
Publication	Actual Cost		\$1000.00*
Commission	Not to exceed \$100.00		
Commission on Credit Bid	\$50.00		
Commission-NO SALE	N/C		
Certificate of Sale	\$25.00		
Recording	Actual Cost		

GARNISHMENT:

One Time Garnishment	Actual Cost	\$25.00	
Continuing Garnishment	Actual Cost	\$25.00	
Notice of Garnishment	N/C		
Commission	N/C		
Interim Return	Actual Cost		
Small Claim	\$25.00	\$25.00	
Subpoena-Criminal	\$25.00	\$25.00	
Subpoena-Civil	\$25.00	\$25.00	
Summons/Complaint	\$25.00	\$25.00	
Summons/Petition	\$25.00	\$25.00	
Temporary Restraining Order	\$25.00	\$25.00	
Three Day Notice	\$25.00	\$25.00	
Undertaking Bond	\$25.00	\$25.00	
Warrant of Dstraint	\$25.00	\$25.00	
Levy/Sale (See personal property fees for sale)			
Writ of Assistance	\$25.00	\$25.00	
Writ of Attachment	\$25.00	\$25.00	
Writ of Execution/Continuing	Actual Cost	\$25.00	
Commission-Personal Property	Not to exceed \$100.00		
Writ of Execution	\$25.00	\$25.00	
Commission-Real Property	Not to exceed \$100.00		
Writ of Possession	\$25.00	\$25.00	
Writ of Restitution	\$25.00	\$25.00	
Moving/Storage	Actual Cost		\$1500.00*
DOCUMENTS NOT SPECIFICALLY LISTED ABOVE	\$25.00	\$25.00	

Sheriff's Fees will be reviewed annually

NEW or CHANGED

*Any funds remaining in Advance Fees after Sale will be reimbursed to Plaintiff



Bonner County Sheriff's Office

4001 N Boyer Road • Sandpoint, ID 83864 • Phone: (208) 263-8417

January 11, 2018

Memorandum

To: Board of County Commissioners

From: Sheriff Daryl Wheeler

Re: Bonner County Sheriff Civil Fee Schedule Change

Section 11-729, Idaho Code, Sheriff Civil Fees for Service, requires the Board of County Commissioners of each county to set Sheriff's Civil fees for serving an initial order of garnishment and writ of execution by resolution; it has been determined the fee for service of documents should be set by "Actual" costs. The Bonner County Sheriff would also like to modify the Real Property Advance fee from \$350.00 to \$1000.00 to cover publications, and Sheriff's/Recorder Fees.

This Request and Resolution has been approved by:

Legal - Bill Wilson Bill Wilson
Auditing - Mike Rosedale _____

J A suggested motion would be: **Mr. Chairman based on the information before us, I move to approve Resolution #18- 36** authorizing the Bonner County Commissioners to set the Sheriff's Civil fees for serving an initial order of garnishment and writ of execution by "Actual" cost; and to modify the Advance fee from \$350.00 to \$1000.00 for Real Property sales, which would allow to cover publications, and Sheriff's/Recorder Fees.

Recommendation Acceptance: ☒ yes ☐ no

Glen Bailey
Commissioner Glen Bailey, Chairman

Date: 03/27/2018

GARNISMENT FEE FORMULA

Writ of Execution

Fuel	Number of gallons used by civil service deputies per year	Multiplied By (2.34)	Avg. cost of fuel per gallon for the year (7,188.48) \$1.53
Vehicle Maint.	Cost of vehicle maintenance for year for civil service deputies (2000)	Divided By (1,811)	Number of Services per year \$1.10
Personnel	deputies & dedicated administrative staff including benefits (96,695.12)	Divided By (1,811)	Number of Services per year \$53.39
Office Supplies/	Cost for supplies (1445.25)	Divided By (1,811)	Number of Services per year .80
Postage	Cost of postage for last year (182.00)	Divided by (1,811)	Number of Services mailed last year .10

Estimated Service Fee	56.92
Service Fee	55.00
Bank Fee	5.00
Return Fee	<u>25.00</u>
Total	85.00

Writ of Coninuing Garnishment

Fuel	Number of gallons used by civil service deputies per year	Multiplied By (2.34)	Average cost of fuel per gallon for the year
Vehicle Maint.	Cost of vehicle maintenance for year for civil service deputies	Divided By (1,811)	Number of Services per year
Personnel	Salary of civil dedicated administrative staff including benefits (40,478.88)	Divided By (1,811)	Number of Services per year \$22.35
Office Supplies/	Cost for supplies (1445.25)	Divided By (1,811)	Number of Services per year .80
Postage	Cost of postage		Actual Cost of Current Postage .70

Estimated Service Fee	23.85
Service Fee	23.00
Return Fee	<u>25.00</u>
Total	48.00
Interim Fee	5.00