

RESOLUTION NO. 23-255

A RESOLUTION OF THE CANYON COUNTY BOARD OF COUNTY COMMISSIONERS INCREASING FEES FOR SHERIFF CIVIL UNIT SERVICES

The following resolution and order was considered and adopted by the Canyon County, Idaho Board of Commissioners ("Board") on this 7th day of December, 2023.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board resolves as follows:

WHEREAS, Idaho Code § 31-801 grants general powers and duties, subject to the restrictions of law, to the boards of county commissioners in their respective counties; and

WHEREAS, Idaho Code § 31-828 grants the Board authority "to do and perform all other acts . . . which may be necessary to the full discharge of the duties of the chief executive authority of the county government"; and

WHEREAS, Idaho Code § 31-870 authorizes the Board to "impose and collect fees for those services provided by the county which would otherwise be funded by ad valorem tax revenues." Such fees "shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered."

WHEREAS, Idaho Code § 11-729 grants the Board the power to set sheriff's fees by resolution for serving an initial order of garnishment and writ of execution; and

WHEREAS, Idaho Code § 11-729 also grants the Board the power 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 of service, including for receiving and paying over money from any money garnishment, and including wage garnishment or financial institution garnishment; and

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

WHEREAS, the Canyon County Sheriff has reviewed and analyzed the actual cost of service of process as noted in Exhibit A attached hereto, 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 as follows:




Service Type	Current Fee	2022 Average Cost	Recommended Fee
Summons/Subpoena Service	\$50.00	\$71.06	\$71.00
Civil Wage Garnishment	\$35.00	\$95.22	\$95.00
Interim Return	\$15.00	\$21.97	\$21.00
Bank Garnishment	\$70.00	\$50.43	\$50.00
Cash Demand/Till Tap	\$50.00	\$60.07	\$60.00
Writ of Restitution (Evictions)	\$100.00	\$196.21	\$196.00
Writ of Possession (immediate)	\$100.00	\$141.01	\$141.00
Seize Personal Property	\$100.00	\$197.64	\$197.00
Sheriff's Sale	\$200.00	\$244.01	\$244.00

NOW THEREFORE, THE BOARD HEREBY RESOLVES, that is it in the best interest of the County, as well as the Canyon County Sheriff's Office to set these fees in the amounts requested by the Sheriff.

IT IS FURTHER RESOLVED BY THE BOARD, that this resolution shall be effective this 7th day of December, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS

- ☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Zach Brooks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: CHRIS YAMAMOTO, CLERK

By: J Ross
Deputy Clerk

Amendment to CCSO Records and Civil Unit Cost / Fee Analysis

Total Cost to Operate the Civil Records Unit / Civil Deputy Unit

Total FY 2024 personnel with benefits cost per year to run the Records and Civil Unit: \$955,859.56

Total FY 2024 personnel with benefits cost per year to run the Civil Deputy Unit: \$387,232.44

Total FY 2024 personnel with benefits cost for both units: \$1,343,092.00

2022 cost:

Fuel: \$19,428.47

Vehicle Maintenance: \$15,140.22

Vehicle depreciation: \$13,547.64

Postage for Civil and Records figured at 80% of the total cost of \$22,285.09= \$17,828.07

Postage: \$17,828.07

Supplies: \$6,512.70

2022 total Civil deputy Services: 11,690

Projected Average cost per service for FY 2024: \$121.09

With the establishment of the average cost per service across all processes, an analysis for each individual process fee and is noted below:

Evictions

2022 total evictions: 93 (requiring 307 total services)

Personnel with benefits (combined staff):

CSS employee: \$ 30.78 an hour.

Civil Deputy: \$60.75 an hour.

CSS employee prep time, return of service and E-File = 108.5 hours.

$108.5 \times \$30.78 = \3339.63

Civil Deputy service for 93 evictions = 223.5

$223.50 \times \$60.75 = \$13,577.63$

Total personnel and benefits cost: \$ 16,917.26

Supplies for evictions figured at .01% of \$6512.70 = \$ 65.13

For the Civil Deputies, 307 is .0263% of the total services (11,690) in 2022.

.0263% of total fuel cost, vehicle maintenance, and vehicle depreciation were used in the calculation.

Each of the 93 evictions need a minimum of two services. The second service requires two deputies. $93 \times 3 = 279$.

30% of the time, the eviction needs a third service. $93 \times .30 = 27.9$

$27.9 + 279 = 306.9$ services to cover 93 evictions.

Total estimated cost for Evictions: \$196.21

Civil Wage Garnishments

2022 total civil wage garnishments: 4611

Personnel with benefits (all non-commissioned staff)-

Six CSS employees: \$ 418,264.73

Postage for Civil Garnishments figured at 85% of \$17,828.07 = \$15,153.86

Supplies for Civil Garnishments figured at 80% of \$6512.70 = \$ 5,210.16

Auditor's cost: 1 hour per month. $1 \times 12 = 12$. $12 \times \$37.71 = \452.52

Total estimated cost per garnishment: \$95.22

Summons / Subpoenas

2022 total subpoena and summons: 4182

Personnel with benefits (combined staff):

Two CSS employees: $\$76,779.86 + \$64,032.06 = \$140,811.92$ (100%)

Supplies for Civil Processes figured at 10% of \$6512.70 = \$ 651.27

Civil Deputy: $\$387,232.44 \times .3577 = \$138,513.04$

For the Civil Deputies, 4182 is .3577% of the total services (11,690) in 2022.

.3577% of total fuel cost, vehicle maintenance and vehicle depreciation were used in the calculation.

Total estimated cost per Summons or Subpoena: \$71.06

Interim returns

2022 total interim returns: 5,630

Personnel with benefits (all non-commissioned staff):

CSS employee: \$ 30.78 x 4,018 hours = \$123,674.04

CSS employees average 42.83 minutes per interim. $42.83 \times 5630 = 241,132.9$ minutes = 4,018.88 hours.

Total estimated cost per Interim: \$21.97

Bank garnishments

2022 total bank garnishments: 261

Personnel with benefits (combined staff):

CSS employee: \$ 30.78 an hour.

Civil Deputy: \$60.75 an hour.

CSS employee: approximately .5 hours per bank garnishment. $.5 \times 261 = 130.5$ hours.

$\$30.78 \times 130.5 = \$4,016.79$

Civil Deputy: Approximately .5 hours per bank garnishment service. $.5 \times 261 = 130.5$ hours.

$\$60.75 \times 130.5 = \$7,927.88$

Supplies for Bank Garnishments figured at .0223 % of \$6512.70 = \$ 145.23

For the Civil Deputies, 261 is .0223 % of the total services (11,690) in 2022.

.0223 % of total fuel cost, vehicle maintenance and vehicle depreciation were used in the calculation.

Total estimated cost per Bank Garnishment: \$50.43

Cash Demand / Till Tap

2022 Total Cash Demands / Till Taps: 45

Personnel with benefits (combined staff):

CSS employee: \$ 30.78 an hour.

Civil Deputy: \$60.75 an hour.

CSS employee: approximately .5 hours per Cash Demand / Till Tap. $.5 \times 45 = 22.5$ hours.

$$22.5 \times \$30.78 = \$692.55$$

Civil Deputy: Approximately .5 hour per service for each Cash Demand. $.5 \times 40 = 20$ hours.

$$20 \times \$60.75 = \$1,215.00$$

Civil Deputy: Approximately 1 hour for each Till Tap, two deputy response. $1 \times 5 = 5$ hours.

$$5 \times 2 \text{ (deputies)} = 10. \quad 10 \times \$60.75 = \$607.50$$

Out of the 45 services in 2022, it is estimated that only 5 were Till Taps.

For the Civil Deputies, 45 is .00385 % of the total services (11,690) in 2022.

.00385 % of total fuel cost, vehicle maintenance and vehicle depreciation were used in the calculation.

Supplies for Cash Demand / Till Tap figured at .003 % of \$6512.70 = \$ 19.54

Total estimated cost per Cash Demand / Till Tap: \$60.07

Writ of Immediate Possession

2022 total writ of immediate possession: 5

Personnel with benefits (combined staff):

CSS employee: \$ 30.78

Civil Deputy: \$60.75

CSS employee: Approximately .5 hours per Writ. $.5 \times 5 = 2.5$ hours $\times \$30.78 = \76.95

Civil Deputy: Approximately 1 hour per service. 2 Deputy response = 2 hours per service.

$$2 \times 5 = 10. \quad 10 \times \$60.75 = \$607.50$$

For the Civil Deputies, 5 is .0004277 % of the total services (11,690) in 2022.

Total estimated cost per Writ of immediate possession is \$141.01

Seize Personal Property

2022 total seizure of personal property: 0

Personnel with benefits (combined staff):

CSS employee: \$ 30.78

Civil Deputy: \$60.75

CSS employee: Approximately .5 hours per Writ. $.5 \times \$30.78 = \15.39

Civil Deputy: Approximately 1.5 hours per service. 2 Deputy response = 3 hours per service.

$$3 \times \$60.75 = \$182.25$$

The \$2,000 deposit is not a fee. The deposit is used to cover towing and storage. Any money left over is returned to the Plaintiff or Attorney. This seized property has to be held for 14 days to allow the Defendant the opportunity to pay their debt.

Total estimated cost per Writ of immediate possession is \$197.64

Sheriff's Sales

2022 total Sheriff's Sales: 9

Personnel with benefits (combined staff):

CSS employee: \$ 30.78

Civil Deputy: \$60.75

2022 Total CSS employee Sheriff Sale hours: 43.5

$$\$30.78 \times 43.5 = \$1338.93$$

Civil Deputy averages 1.5 hours per sale. $1.5 \times 9 = 13.5$ $\$60.75 \times 13.5 = \820.13

Civil Deputies have to post notice in multiple locations.

Total personnel with benefits: \$2,159.06

9 services are .00077% of the total services (11,690) in 2022.

.00077% of total fuel cost, vehicle maintenance and vehicle depreciation were used in the calculation.

The \$800.00 Deposit is not a fee. It is used to cover the publishing fees. Any money left over is returned to the Plaintiff or Attorney.

Total estimated cost per Sheriff Sale: \$244.01

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