

CLARK COUNTY STAFF REPORT

DEPARTMENT: Clark County Sheriff's Office

DATE: August 22, 2017

REQUESTED ACTION: Authorize an increase in the fees charged by the Sheriff's Office for official civil services as defined in RCW 36.18.040. Authorize and fund an 18-month project position to facilitate transition of the civil unit supervisor.

Consent Hearing County Manager

BACKGROUND

The Sheriff's Office is requesting a change to the fees charged by the Sheriff's Office for official services in civil matters as provided in RCW 36.18.040, along with the addition of a provision to the County Code that sets forth the fees. This request is being made to align charged fees with the actual costs incurred to provide this service and increase the visibility of the fees for the community. This is an action allowed by RCW 36.18.040 and is recommended because costs of service are greater than the fees set by the County's legislative body in 2009. This is an action that prevents subsidy of private litigation with public funds and allows for review every two years.

The 2009 Civil Fee increase created actual revenues in 2010 that equaled fifty-five percent (55%) of the actual cost of the unit. Since that increase, with increasing labor costs, the actual revenue has dropped to approximately forty-five (45%) of the cost of the unit. This requested fee increase will again bring the expected revenues to approximately fifty-five percent (55%) of the actual cost of the unit.

Initially, the Sheriff wishes to utilize this additional revenue to aid in the upcoming transition of the Civil Unit Supervisor. The Sheriff's Civil Unit Supervisor has a very complicated position that entails handling all types of complex civil cases up to, and including, seizing real property. It is anticipated that the current supervisor, who has held the position for twenty-five years, will retire in the first half of 2019. Due to the complexity of the position, it is critical to hire the replacement and provide for twelve to eighteen months of training with the current supervisor. A project position that provides for that training period of up to 18 months is needed to allow for proper succession planning.

COUNCIL POLICY IMPLICATIONS

This action will not require a change in policy but will require a change to the County Code.

ADMINISTRATIVE POLICY IMPLICATIONS

None

COMMUNITY OUTREACH

If approved, the Sheriff's Office intends to provide notice to customers with an anticipated effective date of November 1, 2017.

BUDGET IMPLICATIONS

YES	NO	
	X	Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
X		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

Local Fund Dollar Amount	\$83,850.00
Grant Fund Dollar Amount	None
Account	General Fund
Company Name	N/A

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

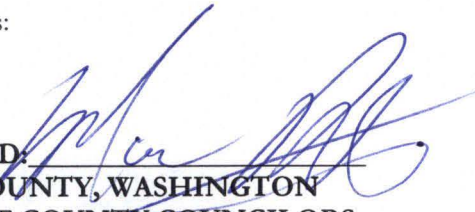


Darin Rouhier
CCSO Finance Manager



Michael Cooke
Clark County Undersheriff

Attachments:

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: 9-19-17

SR# —



APPROVED: _____
Jim Rumpeltes, Interim County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I.A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

The Sheriff's Office will incur \$83,850 in additional expense during 2018 for salary and benefits costs associated with the project position, and up to \$41,925 in 2019 for the same. These expenses will be offset with additional revenue generated by the proposed civil fee increase. It should be noted that, while the position expenses are limited term, the additional fee revenue is ongoing. The additional fee revenue that will be collected during the next 38 months will fully offset the cost of the project position, after which the additional revenue will benefit the General Fund. Therefore, the request will result in a positive long-term net fiscal impact of \$40,000 per year.

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
0001 / General Fund	46,000.00	46,000.00	80,000.00	80,000.00	80,000.00	80,000.00
Total	46,000.00	46,000.00	80,000.00	80,000.00	80,000.00	80,000.00

II. A – Describe the type of revenue (grant, fees, etc.)

The proposed civil fee increase is ongoing and will generate additional revenue of approximately \$46,000 for the remainder of this biennium and approximately \$40,000 per year thereafter.

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
0001 / General Fund		83,850.00	83,850.00	41,925.00	41,925.00	0.00	0.00
Total		83,850.00	83,850.00	41,925.00	41,925.00	0.00	0.00

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits	83,850.00	83,850.00	41,925.00	41,925.00	0.00	0.00
Contractual (Internal Services)						
Supplies/Equipment						
Travel/Training						
Overtime						
Capital Outlays						
Inter-Agency Transfers						
Debt Service						
Total	83,850.00	83,850.00	41,925.00	41,925.00	0.00	0.00

Enter FTE total (ranges from 0 to 1)	1.00	LINK TO COUNTY PAY PLAN INFORMATION		
Position Grade	SC.360	Civil Division Supervisor	Select grade to populate wages from	
Enter monthly salary if salaried	\$0	Assumes step 1 for non-management and middle step for management po		
Enter hourly amount if hourly	\$27.71	Assumes step 1 for non-management and middle step for management po		
Calculated FY 2016 ANNUAL salary total	\$57,640			
	2017			2018
Enter # of months FTE will work each year	0			12
Retirement plan - see comment boxes	Not eligible	PERS 1/2/3	PSERS	LEOFF 2 = deputies
Enter 1 in the applicable box, 0 in others	0	1	0	0
Enter 1 if eligible for disability ins, 0 o/wise	1	NOT eligible: all project employees; employees that work less than 0.5 FTE;		
Enter 1 if eligible for life ins, 0 o/wise	1	NOT eligible: all project employees; employees that work less than 0.5 FTE.		

OBJECT	2017 COSTS	2018 COSTS	FY 2017-18 DECISION PACKAGE TOTAL
110-Salaries	\$0	\$58,908	\$58,908
210-Employee Benefits	\$0	\$4,654	\$4,654
211-PERS/LEOFF	\$0	\$7,246	\$7,246
220-EAP Premium	\$0	\$33	\$33
221-Medical Insurance	\$0	\$9,289	\$9,289
222-Industrial Insurance	\$0	\$2,564	\$2,564
223-Dental Insurance	\$0	\$644	\$644
230-Life Insurance	\$0	\$86	\$86
236-Disability Insurance	\$0	\$427	\$427
TOTAL	\$0	\$83,851	\$83,851

ORDINANCE NO.: 2017-09-04

An ordinance that sets the fees that shall be collected by the Sheriff's Office for official civil service work and that adds a new chapter to the current County Code to list the fees.

WHEREAS, the State of Washington establishes fees to be charged by the Sheriff's Office for official civil services in RCW 36.18.040; and

WHEREAS, RCW 36.18.040 authorizes the County legislative body to set amounts of fees that shall be collected by the Sheriff to cover costs of administration and operation; and

WHEREAS, the County legislative body changed the fees in 2009 pursuant to Resolution 2009-02-11, and the costs associated with official services have increased since that time; and

WHEREAS, the Board of County Councilors finds it appropriate that costs incurred for the Sheriff's official services should be borne by those seeking action by the Sheriff and shall not be assumed by Clark County citizens, requiring a fee schedule that properly represents the administrative and operation costs to the Sheriff; and

WHEREAS, the Board of County Councilors finds it appropriate to codify the proposed Fee Schedule into code for greater transparency to the public; and

WHEREAS, Clark County is authorized, pursuant to RCW 36.32.120(7), to make and enforce police power regulations that are not in conflict with State law; and

WHEREAS, this matter is being considered at a duly advertised public hearing; and

WHEREAS, the Board of County Councilors finds and concludes that adoption of this Ordinance will further the public health, safety and welfare; now, therefore,

BE IT ORDERED AND RESOLVED by the Board of County Councilors in and for Clark County, State of Washington, as follows:

Section 1. Codification.

A new Chapter is added to the County Code as CCC 2.79 to read:

Chapter 2.79 Sheriff's Civil Service Fee Schedule

2.79.010 Purpose

The fees charged by the Sheriff's Office for their official services should be borne by the person seeking action by the Sheriff, not the citizens of Clark County. The following fee schedule

represents fees required to support the administration and operation of the Sheriff's official services.

2.79.020 Fees

- (1) Basic process service of: Summons and Complaint, Notice and Complaint, Summons and Petition, Notice and Small Claim or other routine civil process:
 - (a) Service on one person at any location - \$30.00. Service on two or more persons at the same location, at the same time, and on the same case - \$40.00. Service fee includes failed service after due diligence.
 - (b) Each Return of Service or Return of Not Found - \$15.00.
 - (c) Notary service - \$10.00 for each Return.
 - (d) Mileage required for service will be charged at the rate of .55 cents per mile, measured in five mile increments for distances over twenty miles round trip, with a minimum \$10.00 charge.
 - (e) Cancellation fee for items (a)-(d) - \$20.00
- (2) Writs of Restitution or Assistance, relating to eviction orders:
 - (a) Execution without physical standby of Sheriff - \$55.00.
 - (b) Execution with physical standby of Sheriff - \$95.00 for first hour and \$50.00 for each additional hour.
 - (c) Each Return of Service or Return to Court - \$15.00.
 - (d) Mileage required for service/execution will be charged at the rate of .55 cents per mile, measured in five mile increments for distances over twenty miles round trip, with a minimum \$10.00 charge.
 - (e) Cancellation fee for items (a)-(d) - \$20.00
- (3) Writs of Execution or Replevin or Attachment, Orders of Sale and other special court actions:
 - (a) Record/levy a Writ of Attachment or Execution or Order of Sale with the Auditor - \$25.00, in addition to the Auditor's recording fee.
 - (b) Levy and Execution of Writ or Order - \$60.00 per hour – includes review, document preparation prior to levy, execution or recording and sale preparation.

- (c) Service of documents upon a defendant or debtor - \$30.00. Service of documents on two or more defendants or debtors, at the same location, at the same time, and on the same case – \$40.00. Service fee includes failed service after due diligence.
 - (d) Service by Publication preparation and proofing - \$30.00, in addition to the costs of publication.
 - (e) Public Notice preparation and proofing - \$10.00, in addition to the costs of publication.
 - (f) Each Return of Service or Return to Court or Return of Not Found - \$15.00.
 - (g) Each Affidavit of Mailing - \$25.00.
 - (h) Posting of each Notice of Sale or Notice of Postponement - \$25.00.
 - (i) Mileage required for service/execution will be charged at the rate of .55 cents per mile, measured in five mile increments for distances over twenty miles round trip, with a minimum \$10.00 charge.
 - (j) Conducting sale of property - \$50.00 per hour.
 - (k) Each Bill of Sale or Certificate of Sale - \$60.00.
 - (l) Each Certificate of Redemption or Sheriff's Deed - \$75.00.
 - (m) Mailings - actual costs.
 - (n) Making necessary copies when sufficient copies are not provided - \$3.00 for first page and \$1.00 for each page thereafter.
- (4) Writs of Habeas Corpus
- (a) Service of Writ - \$30.00 – each person.
 - (b) Execution of Writ - \$60.00 per hour.
 - (c) Each Return of Service or Return to Court - \$15.00.
 - (d) Mileage required for service/execution will be charged at the rate of .55 cents per mile, measured in five mile increments for distances over twenty miles round trip, with a minimum \$10.00 charge.
- (5) Miscellaneous
- (a) Non-criminal fingerprinting - \$15.00 for one card and \$5.00 for each additional card, per person.

- (b) Reproduction of audio, visual or photographic material – actual cost plus staff time.
 - (c) Serving an arrest warrant - \$50.00.
 - (d) Service of any type document and supporting paperwork, including those documents related to a dissolution of marriage proceeding except as provided in (e) below, on one person not identified herein - \$30.00. Service of any type document and supporting paperwork on two or more persons at the same location, at the same time, on the same case, not otherwise identified herein - \$40.00.
 - (e) Service of protective orders and anti-harassment orders will not be assessed a fee.
- (6) Fee deposits may be required for acceptance of the case. Deposit balances of ten dollars or less at the closing of the case will not be refunded.

2.79.030 Fee Recovery

Fees allowable under this section may be recovered by the prevailing party incurring the same as court costs, from proceeds of any subsequent judicial sale, or as additions to a judgment upon proper application to the court entering the judgment.

2.79.040 Review

Once every two years the Sheriff's Office may submit the fee schedule to the Board of County Councilors for proposed adjustments in accord with the County budget process.

Section 2. Roll Call.

The following persons voted in favor of the above ordinance:

Jeanne E. Stewart; Julie Olson;
Marc Boldt; John Blom; + Eileen Quiring

The following persons opposed adoption of the above ordinance amendments:

Section 3. Effective Date. This ordinance shall be effective on the 10th day following approval by the Board of County Councilors.

ADOPTED on this 19th day of September 2017.

Attest:

Rebecca Jilto
Clerk of the Board

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON

Marc Boldt
Marc Boldt, Chair

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

Jeanne E. Stewart, Councilor

By: Jane E. Vetto
Jane Vetto,
Deputy Prosecuting Attorney

Julie Olson, Councilor

John Blom, Councilor

Eileen Quiring, Councilor

