

BINGHAM COUNTY RESOLUTION NO. 2024-29

A RESOLUTION SETTING THE BINGHAM COUNTY SHERIFF'S FEES

WHEREAS, Idaho Code §31-3203 vests the power in the Bingham County Board of Commissioners to set the fees charged by the Bingham County Sheriff's Office for services specified in Idaho Code §31-3203, which fees are to be in an amount reasonably related to but not exceeding the actual costs of such service; and

WHEREAS, Idaho Code §11-729, Idaho Code, 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;

WHEREAS, Idaho code §11-729, Idaho Code, 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;

WHEREAS, Idaho code 11-729, Idaho Code, 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;

WHEREAS, the Bingham 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;

WHEREAS, the staff of the Bingham County Sheriff's Office has conducted a review of the tasks, time, and expenses involved in conducting the services identified in I.C. §31-3203, and also I.C. §11-729, and has reviewed the fees charged by other counties in the state of Idaho, and has prepared a fee schedule which sets forth fees that are reasonably related to and do not appear to exceed the actual costs of such service; and

WHEREAS, the amount charged for sheriff's fees has not been addressed since June 19, 2019, through adoption of Resolution 2019-23, entitled Bingham County Sheriff's Office Fee Schedule,

WHEREAS the Bingham County Commissioners find that a new resolution is necessary to address the sheriff's fees to be set for the services identified in Idaho Code §31-3203; and also Idaho Code §11-729;

NOW THEREFORE, IT IS HEREBY RESOLVED by the Bingham County Board of Commissioners, that the sheriff's fees for services specified in Idaho Code §31-3203 and Idaho Code §11-729 shall be in accordance with Exhibit A, which attached hereto, and is referred to as Bingham County Sheriff – Fee Schedule.

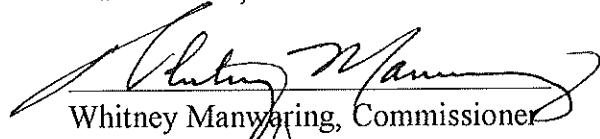
PASSED AND ADOPTED this 14th day of August, 2024.

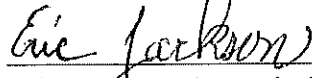
BOARD OF BINGHAM COUNTY COMMISSIONERS

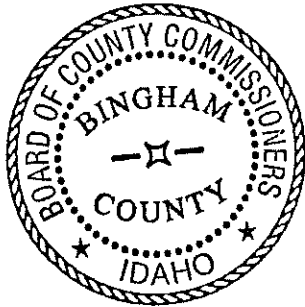
ATTEST:


PAMELA W. ECKHARDT, CLERK


Mark R. Bair, Commissioner


Whitney Manwaring, Commissioner


Eric Jackson, Commissioner





BINGHAM COUNTY SHERIFF - FEE SCHEDULE

LC. §31-3203

Exhibit A

Process	Service Fee/Return Fee	Deposit
Service & Process of document/s on each individual or location that is to be served.		
Affidavit and / or Order	\$50.00	There may be an influx in the deposit required due to the size of vehicle or property that is to be executed upon. Plaintiff will be responsible for actual costs that are above the deposit amount that are incurred.
Certified Mail/Postage	Actual Cost	
Certificate of Sale	\$10.00	
Complaint	\$50.00	
Cross-Complaint	\$50.00	
Injunction	\$50.00	
Moving/Storage	Actual Cost	
Notice	\$50.00	
Notice of Levy	\$10.00	
Notice to Pay/Quit-Vacate	\$50.00	
Notice of Sale	\$10.00	
Notice of Trustees Sale	\$50.00	
Order	\$50.00	
Order to Appear or Examine	\$50.00	
Order to Show Cause	\$50.00	
Postings	\$5.00 each	
Civil Protection Order (issued by court)	No charge	
Restraining Order (issued by attorney)	\$50.00	
Returned Check Fee	\$30.00	
Sheriff s Deed	\$10.00	
Small Claims	\$50.00	
Subpoena - Civil	\$50.00	
Subpoena - Criminal	\$50.00	
Summons/Complaint	\$50.00	
Summons/Petition	\$50.00	
Writ of Execution -Garnishment	\$50.00	
Warrant of Distrain	\$60.00	
Warrant of Attachment/Civil Arrest	\$100.00	
Writ of Attachment/Assistance	\$75.00	
Writ of Execution/Assistance -Personal Property	\$100.00	\$250.00 per veh
Writ of Possession/Assistance -Personal Property	\$75.00	\$250.00 per veh
Writ of Execution/Assistance -Real Property	\$150.00	\$700.00
Writ of Restitution/Assistance (If occupants voluntarily remove themselves)	\$75.00	
Writ of Restitution/Assistance (If occupants do not voluntarily remove themselves) (Plaintiff is responsible for locksmith and any additional fees incurred.)	\$150.00	
(If the sheriff is required to forcibly remove subject/s and levy on goods and chattels, then an additional fee will be charged including additional deputies and deputy overtime pay if needed.)	\$150.00	
Deputy average wage/benefits @ regular hourly wage.	\$21.26	
Moving Expenses	Actual Costs	\$2,000.00 Minimum Plaintiff responsible for additional fees that are incurred.
Storage of Property	Actual Costs	

Sheriff's Sale Fees on Writ of Execution:	Service Fee/Return Fee	Deposit
PERSONAL PROPERTY:		
Writ of Execution/Assistance	\$100.00	\$250.00 per veh
Notice of Levy	\$10.00	
Notice of Sale	\$10.00	
Post Each Notice	\$5.00	
Publication	Actual Cost	
Sheriff's Commission for each Levy for Personal or Real Property Levied and Sold	Not to exceed \$100.00	
Sheriff's Commission without Levy for each action.	Not to exceed \$75.00	
Sheriff's Commission on each Levy for Personal or Real Property that is not sold or the sale is cancelled by plaintiff.	Not to exceed \$75.00	
Commission Credit Bid-Plaintiff Only	\$50.00	
Storage of Property	Actual Cost	
Towing of Vehicle	Actual Cost	
Certificate of Sale	\$10.00	
REAL PROPERTY:		
Writ of Execution/Assistance	\$150.00	\$700.00
Notice of Levy	\$10.00	
Notice of Sale	\$10.00	
Post Each Notice	\$5.00	
Publication	Actual Cost	
Certified Mail	Actual Cost	
Sheriff's Commission for each Levy for Personal or Real Property Levied and Sold	Not to exceed \$100.00	
Sheriff's Commission without Levy for each action.	Not to exceed \$75.00	
Sheriff's Commission on each Levy for Personal or Real Property that is not sold or the sale is cancelled.	Not to exceed \$75.00	
Commission Credit Bid-Plaintiff Only	\$50.00	
Certificate of Sale	\$10.00	
Sheriff's Deed	\$10.00	
Recording of documents	Actual Cost	
Certificate of Redemption	10.00	

GARNISHMENT:	
One Time Garnishment	\$50.00
Continuing Garnishment	\$50.00
Interim Return	\$10.00
Recording of any documents	Actual Costs
Copying/Printing of any legal documents including Notice of Garnishment and Claim of Exemption Packet	\$1.00 per page
CONCEALED WEAPONS:	
New Concealed Weapons Permit	\$55.00
Renewal on an existing Concealed Weapons Permit	\$38.00
Fingerprint Cards	\$10.00
RECORDS REQUEST:	
There is no cost for copies under 100 pages, over 100 pages will be charged the actual cost of copies. If you are requesting copies of photographs, tapes or videos YOU must provide a 16GB thumb drive and pay a \$2.00 fee for copying. There will be a charge if nonpublic information must be redacted. Actual cost of employee's time to locate and copy the records if it exceeds 2-person hours- if it requires overtime it will be charged at 1 ½ times their wage. All costs must be prepaid.	

If at any time, the Sheriff's Office needs to call in additional deputies to facilitate the proper service of documents and/or for the execution of property, an additional fee will be charged including current deputies' average wages/benefits at regular hourly wage and overtime pay if needed.

Towing of vehicle per execution, advance deposit required -actual cost
 Moving expenses: advance deposit required -actual cost
 Recording of documents -actual cost
 Publication costs -actual cost

After a lengthy survey of other Sheriff's Offices in the State of Idaho, the Bingham County Sheriff's Office is requesting that the fees collected be changed accordingly.

Jeff Gardner
 Sheriff Jeff Gardner

8-14-2024
 Dated