



King County

**Metropolitan King County Council
Budget and Fiscal Management Committee**

STAFF REPORT

Agenda Item:	5	Name:	Greg Doss
Proposed No.:	2016-0477	Date:	October 25-27, 2016

SUBJECT

Proposed Ordinance 2007-0477 would increase fees for a variety of civil filing services that are provided by the King County Sheriff's Office.

SUMMARY

This ordinance would increase civil process fees to account for inflationary increases to the cost of providing associated services. The projected revenue increase over existing fee collections is expected to be \$207,000 and would accrue to the general fund.

State law allows counties to raise fees to recoup costs under RCW 36.18.040 (1). The last update to these fees took effect on January 1, 2011. This ordinance increases these fees by the consumer price index for urban wage earners in the West region since that time (11.1%).

The costs of providing civil process services are driven by the cost of labor, supplies, central services and equipment. This affects residents who live or work in unincorporated King County or contract cities and who may rely upon the KCSO for delivery or positing of civil notices. Services subject to this fee increase include personal and real property court orders, protection orders, court ordered evictions, family law actions and notice of small claims. These civil processing orders are delivered or posted by the Sheriff according to the schedule found in Section 2 of the proposed ordinance

As proposed in the Executive's 2017-18 Proposed Budget, the increased revenue that would result from this ordinance will accrue to the County's General Fund and be appropriated in the Sheriff's Office Budget.

Background:

The King County Sheriff's Office, under state law, is responsible for providing services to citizens seeking to enforce civil court orders or processes. The services range from the service of summonses, subpoenas, and warrants, serving writs, and posting notices of sale. State law, RCW 36.18.040 and RCW 36.28.010, set fees to allow the Sheriff to recover the costs of providing these services.

In addition, the Sheriff can recover the costs in support of these civil court duties, such as, for notarizing documents, postage, and fingerprint services. The state legislature set the base levels for these fees in 1992. However, the statute contains the following language:

“...Nothing contained in this section permits the expenditure of public funds to defray costs of private litigation. Such costs shall be borne by the party seeking action by the sheriff, and may be recovered from the proceeds of any subsequent judicial sale, or may be added to any judgment upon proper application to the court entering the judgment.

(3) Notwithstanding subsection (1) of this section, **a county legislative authority may set the amounts of fees that shall be collected by the sheriff under subsection (1) of this section to cover the costs of administration and operation.**”

The county has not adjusted these fees since 2011. The Sheriff is requesting that fees be increased to reflect inflation since 2011 (the schedule of existing fees and the proposed new fees can be found in Section 2 of the proposed ordinance).

The proposal would raise most fees and add a projected \$207,000 in new revenues for the 2017-18 Biennium (the Fiscal Note is attached). As noted above, the local legislative authority may set fees to capture the costs of administering these services.

ANALYSIS:

Proposed Ordinance 2007-0477 would increase fees reflecting inflation since they were last raised in 2011. In general, the fees are increasing by 11% or between \$4 and \$10. Please see the table below for the increase to each fee.

Service Description		2011 Rounded	2017 Proposed
In-state Civil Process (Summons & Complaint, etc.)			
	Service (1 defendant)	\$30	\$33
	Service (2 defendants at same address)	\$40	\$44
	All Returns	\$23	\$26
	Nonresident Returns	\$23	\$26
	Notary Fee	\$10	\$11
TOTAL In-state Civil Process (1 defendant)		\$53	\$59
Writ of Attachment - Personal Property			
	Levy	\$67	\$74
	Return	\$23	\$26
	Service (plus mileage)	\$40	\$44
TOTAL Writ of Attachment - Personal Property		\$130	\$144
Writ of Attachment - Real Property			
	Levy	\$67	\$74

	Return	\$23	\$26
	Notice of Levy	\$5	\$6
	Per Location	\$2	\$2
	Filing (+ Auditor fees & service if required)	\$30	\$33
	Serve Defendant(if required)	\$40	\$44
TOTAL Writ of Attachment - Real Property		\$127	\$141
Writ of Execution - Personal Property			
	Levy (per hour)	\$67	\$74
	Notice of Sale and Copies	\$2	\$2
	Additional Copies (each)	\$1	\$1
	Serve Defendant/Notice	\$40	\$44
	Post Notice	\$45	\$50
	Conducting Sale (per hour)	\$67	\$74
	Bill of Sale (each)	\$67	\$74
	Return to Court	\$23	\$26
	Postponement Notice	\$30	\$33
TOTAL Writ of Execution - Personal Property		\$312	\$345
Warrants			
	Serve (each)	\$67	\$74
	Return to Court	\$23	\$26
	Total Warrants	\$90	\$100
Subpoena			
	Serve (each)	\$40	\$44
	Return to Court	\$23	\$26
	Total Subpoenas	\$63	\$70
Writ of Execution or Order of Sale - Real Property			
	Levy (+ \$39/additional hour)	\$67	\$74
	Return	\$23	\$26
	Notice to Publisher	\$2	\$2
	Recording with Auditor	\$30	\$33
	Notice of Sale	\$3	\$3
	Conducting Sale (first hour)	\$67	\$74
	Certificate of Sale (each)	\$67	\$74
	Posting of Notice (each)	\$30	\$33
	Affidavit of Posting	\$10	\$11
	Postponement Notice	\$15	\$17
TOTAL Writ of Execution or Order of Sale - Real Property		\$299	\$330
Writ of Garnishment			
	Serve garnishee	\$40	\$44
	Return to Court	\$23	\$26

	Serve Defendant (if required)	\$40	\$44
	TOTAL Writ of Garnishment	\$63	\$70
Writ of Replevin or Order Awarding Possession			
	Serve defendant with writ, affidavit and bond	\$40	\$44
	Executing Order (per hour)	\$67	\$74
	Serve summons & Complaint (one)	\$30	\$33
	Serve summons & Complaint (two or more)	\$40	\$44
	Return	\$23	\$26
	TOTAL Writ of Replevin or Order Awarding Possession	\$130	\$144
Writ of Restitution			
	Service	\$87	\$97
	Each additional hour	\$67	\$74
	Return	\$23	\$26
	TOTAL Writ of Restitution	\$110	\$123
Redemption			
	Serve notice of intent	\$40	\$44
	Certificate of Redemption	\$67	\$74
	TOTAL Redemption	\$107	\$119
Deed		\$67	\$74
Writ of Habeas Corpus			
	Serve Only	\$40	\$44
	Executing of (per hour)	\$67	\$74
	Return	\$23	\$26
	TOTAL Writ of Habeas Corpus	\$130	\$144
Internal only Criminal History Check		\$15	\$17
Notary Fee		\$10	\$11
All Other Documents		\$40	\$44
Fingerprinting non-criminal up to 2 sets		\$15	\$17
Each add set		\$5	\$6

Proposed Ordinance 2007-0477 appears to be a reasonable budget and policy decision.

AMENDMENT

Amendment 1 corrects drafting errors, updates the fee structure to reflect current practice and aligns the proposed ordinance with revenue estimates in the fiscal note and the Executive Proposed 2017-18 Budget.

ATTACHMENTS

1. Proposed Ordinance 2016-0477
2. Amendment 1
3. Fiscal Note

INVITED

1. Dwight Dively, Director, Office of Performance, Strategy and Budget
2. Chris Barringer, Chief of Staff, King County Sheriff