

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: February 7, 2005

SUBJECT: Civil Paper Service Fees/Civil Process Position

ATTACHMENTS: Memo from Captain Rick Davis
Budget Amendment

SUMMARY OF REQUEST:

During the last legislative session, the NC General Assembly passed a bill that increased fees charged for civil paper service from \$5 to \$15. As noted in the attached memo, NCGS 7A-311(C) requires that the majority of these revenues be used for cost of processing civil papers, which may include the hiring of law enforcement personnel upon the recommendation of the sheriff. The Sheriff has recommended that the additional revenue being generated by these fees be used to add an additional deputy for the purpose of processing civil papers. Captain Rick Davis will be present at the Board meeting to answer any questions that arise.

COUNTY MANAGER'S RECOMMENDATION/ACTION REQUIRED:

Considering that this new position would be self supporting through civil paper service fees, it is recommended that the Board authorize the establishment of the recommended position and approve the attached budget amendment

Memorandum

To: Justin Hembree, Assistant County Manager

From: Captain Rick Davis, Sheriff's Office Support Services Div.

Date: 13 January 2005

Ref: House Bill 918, N.C.G.S. §7A-311

Recently the North Carolina Legislature passed House Bill 918 which provided for an increase in the fee charged for civil paper service from \$5 to \$15. This increase was effective September 1, 2004. Although the increase still doesn't approximate the actual cost of the service, it is a significant advancement.

This law also includes a stipulation that requires at least fifty percent (50%) of the revenue "be used by the county to ensure the timely service of process with the county, which may include the hiring of law enforcement personnel upon the recommendation of the sheriff." Sheriff Erwin would like to recommend that the revenue currently being generated be allocated for the purpose of hiring an additional deputy sheriff, plus providing some equipment for that officer. This will bring the Henderson County into compliance with General Statute §7A-311(C), and will provide a substantial improvement in service.

Had this service fee been in place for all of 2003, Civil Process would have generated an estimated \$81,651.66. The Henderson County General fund and the Sheriff's Office each would have collected \$40,825.83 under this scenario.

For the upcoming FY 06 budget year, the Sheriff will recommend the hiring of one additional deputy for civil process from the additional revenues. This statute provides user-funding for this continually-growing area of our department.

**HENDERSON COUNTY
BUDGET AMENDMENT**

CODE	ACCOUNT DESCRIPTION	DEBIT+	CREDIT-
115431-512100	SALARIES & WAGES	\$ 7,245.00	
115431-513500	401(K) DEFERRED COMP	\$ 363.00	
115431-518000	FICA	\$ 555.00	
115431-518100	RETIREMENT	\$ 363.00	
115431-518300	MEDICAL INSURANCE	\$ 1,520.00	
115431-518400	DENTAL INSURANCE	\$ 104.00	
114432-473002	OFFICER FEES	\$	10,150.00
TOTAL		\$ 10,150.00	\$ 10,150.00

EXPLANATION

BUDGET AMENDMENT TO FUND A NEW SHERIFF'S DEPUTY I POSITION FOR CIVIL PROCESS WITH EXCESS CIVIL PROCESS FEES THAT HAVE INCREASED SIGNIFICANTLY DUE TO THE CHANGE IN LEGISLATION INCREASING THE FEE CHARGED FOR CIVIL PAPER SERVICE FROM \$5 TO \$15 EFFECTIVE SEPTEMBER 1, 2004.

PREPARED BY: JCM _____

DATE: 2/7/005 _____

BATCH #: _____

BATCH DATE: _____

APPROVAL: _____

JV# _____