

RESOLUTION NO. 24-2012

**RESOLUTION
Of
the Montrose County Board of County Commissioners
CONCERNING
FEES CHARGED BY THE MONTROSE COUNTY SHERIFF'S OFFICE PURSUANT
TO 2010 AMENDMENTS TO § 30-1-104, 30-1-105.5, 30-1-106, 30-1-107, AND 30-1-116,
C.R.S. (HOUSE BILL 10-1057) AND CHARGED PURSUANT TO 24-72-306 (1)(2)(3)**

WHEREAS, except as stated herein for Resolution No. 112-2006, adopted August 21, 2006, setting booking fees for commitments to and from the County jail, the provisions of this Resolution and the fees set forth herein are intended to supersede with respect to amount of any previous Resolution of the Board of County Commissioners adopting fee schedules for the Montrose County Sheriff's Office; and

WHEREAS, the Colorado Legislature enacted certain amendments to §§ 30-1-104, 30-1-105, 30-1-105.5, 30-1-106, 30-1-107 and 30-1-116, C.R.S. in House Bill 10-1057, effective August 11, 2010, concerning certain fees collected by Sheriffs in civil actions and the authorized mileage rate; and

WHEREAS, Section 24-72-306 authorizes a board of county commissioners to establish fees in accordance with that section for search, retrieval, redaction and copying of criminal justice records of a county criminal justice agency; and

WHEREAS, House Bill 10-1057 authorizes a Sheriff to establish a zone- or zip code-based mileage fee structure to be set by resolution of a Board of County Commissioners for the County and posted pursuant to § 30-1-108, C.R.S.; and

WHEREAS, the Montrose County Sheriff supports and approves this Resolution and the fees set herein.

NOW THEREFORE, BE IT RESOLVED; In accordance with the provisions of §§ 30-1-104, 105.5, 106, 116 and 24-72-306 C.R.S., as amended, fees collected by the Sheriff or his/her designated representatives, for serving and returning various writs and processes and performing other duties under state law including copies of criminal justice records shall be fixed as follows as provided in sections I, II, and III of this Resolution.

I. FEES:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in CRS 30-1-104, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00). [CRS 30-1-104(1)(a)]

- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in CRS 30-1-104, with or without complaint attached, on each party served, actual expenses not to exceed thirty-five dollars (\$35.00). [CRS 30-1-104(1)(a.5)]
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00). [CRS 30-1-104(1)(b)]
- (4) For making a return on a summons in other than a criminal action not served, for each party, twenty dollars; (\$20.00). [CRS 30-1-104(1)(b.5)]
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50). [CRS 30-1-104(1)(c)]
- (6) For serving and returning each subpoena in other than a criminal action on each witness; thirty five dollars (\$35.00). [CRS 30-1-104(1)(c.5)]
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00). [CRS 30-1-104(1)(d)]
- (8) For making return on a subpoena in other than a criminal action not served, twenty dollars (\$20.00). [CRS 30-1-104(1)(d.5)]
- (9) For serving each juror, ten dollars (\$10.00). [CRS 30-1-104(1)(e)]
- (10) For serving and returning writ of attachment or replevin on each party, in counties of every class, mileage, as described in Section III.B. herein, and actual expenses. [CRS 30-1-104(f) and (h.5)]
- (11) For serving garnishee summons on each party, twenty dollars (\$20.00). [CRS 30-1-104(1)(g)]
- (12) In making demand for payment on executions when payment is not made, one dollar (\$1.00). [CRS 30-1-104(1)(i)]

- (13) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred, mileage as described in Section III.B. of this resolution and actual expenses. [CRS 30-1-104(1)(j) and (h.5)]
- (14) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred, mileage, as described in Section III.B herein, and actual expenses. [CRS 30-1-104(1)(k) and (h.5)]
- (15) No custodian shall be appointed by the Sheriff to take custody of goods by him or her attached, nor shall any deputy be placed in charge thereof, unless the plaintiff or his or her attorney shall request the appointment of such custodian in writing; such custodian or deputy shall receive twelve dollars (\$12.00) per diem of twelve hours or fraction thereof, which shall be taxed as costs in the case. [CRS 30-1-104(1)(l)]
- (16) For making and filing for record a certificate of levy on attachment or other cases, actual expenses, but not more than thirty dollars (\$30.00). [CRS 30-1-104(1)(m)]
- (17) For committing and discharging convicted prisoners to and from the county jail, thirty dollars (\$30.00) in accordance with and pursuant to Resolution 112-2006. [CRS 30-1-104(1)(n)]
- (18) For serving writ with aid of *posse comitatus* with actual expenses necessarily incurred in executing said writ, actual expenses, but not more than sixty dollars (\$60.00); for serving same without aid, actual expenses, but not more than four dollars (\$4.00). [CRS 30-1-104(1)(o)]
- (19) For attending before any judge, court not being in session, with prisoners with writ of habeas corpus for each day of twelve hours or fraction thereof, twelve dollars (\$12.00). [CRS 30-1-104(1)(p)]
- (20) For attending courts of record when in session, per diem of twelve hours, or fraction thereof, twelve dollars (\$12.00); but the attendance upon the county court shall be certified by the judge of said court at the close of each month. [CRS 30-1-104(1)(q)]
- (21) For advertising property for sale, besides the actual cost of the advertising, actual expenses, but not more than thirty dollars (\$30.00). [CRS 30-1-104(1)(r)]

- (22) For making certificates of sale previous to execution of deed, or on sales of personal property, actual expenses, but not more than thirty dollars (\$30.00). [CRS 30-1-104(1)(s)]
- (23) For executing and acknowledging deed of sale of real estate, actual expenses, but not more than forty dollars (\$40.00). [CRS 30-1-104(1)(t)]
- (24) For taking, approving, and returning bond in any case, ten dollars (\$10.00). [CRS 30-1-104(1)(u)]
- (25) For executing capias or warrant in criminal cases on each prisoner named therein, two dollars (\$2) [CRS 30-1-104(1)(v)]
- (26) For transporting insane or other prisoners, besides the actual expenses necessarily incurred, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under § 24- 9-104, C.R.S., as determined by resolution of the board of county commissioners of each county, and for the service of mittimus or other process order, whether written or otherwise, in transporting prisoners, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under § 24- 9-104, C.R.S., as determined by resolution of the board of county commissioners of each county or as provided by the charter of a home rule county; except that such mileage shall be only by one officer and no mileage shall be charged upon the guards attending the officer in charge of custody of the prisoner and further except that the guards attending the officer in charge of the prisoner shall receive, besides the expenses necessarily incurred, the sum of twelve dollars (\$12.00) per diem of twelve hours, or fraction thereof, to be paid out of the county treasury. [CRS 30-1-104(1)(w)]
- (27) For his or her services in sales of real estate on an execution or decree, order of court, or other court process, besides actual expenses, on all bids under three thousand dollars (\$3,000.00), twenty dollars (\$20.00); and on all sums bid over three thousand dollars (\$3,000.00), one percent; but such commission shall in no case exceed the sum of one hundred dollars (\$100.00). [CRS 30-1-104(1)(x)]
- (28) For money collected by sale of personal property, on all sums bid under five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) and under one thousand dollars (\$1,000.00), six percent; and on all sums bid over one thousand dollars (\$1,000.00), seven percent; but no fee shall be charged for an

auctioneer or other person for making sales of personal property; and in no case shall such commission exceed the sum of one hundred dollars (\$100.00). [CRS 30-1-104(1)(y)]

- 29 For money collected or settlements made without sale, after writ of execution, attachment, or replevin has been placed in his/her hands, and levy or demand for payment has been made on the proper party, on all amounts under five hundred dollars (\$500.00), three percent; on all amounts over five hundred dollars (\$500.00) and under one thousand dollars (\$1,000.00), two percent; on all amounts over one thousand (\$1,000.00), one and one-half percent; but the fee in no case shall exceed the sum of one hundred fifty dollars (\$150.00); and the plaintiff or any person making any settlement shall be liable to the Sheriff for such fees. [CRS 30-1-104(1)(z)]
- 30 For pursuing and capturing or pursuit without capture, each prisoner charged with the commission of any crime denominated a felony, beyond the limits of the county, all necessary expenses of such pursuit, upon a verified, itemized account being presented for the same together with twelve dollars (\$12.00) per diem of twelve hours for the time occupied in such pursuit. [CRS 30-1-104(1)(aa)]
- 31 For serving and returning writ of *ne exeat* or body attachment, actual expenses, but not more than twenty dollars (\$20.00). [CRS 30-1-104(1)(bb)]
- 32 For serving copy of execution when making levy on shares of stock under execution, on each party served, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00). [CRS 30-1-104(1)(cc)]
- 33 For making certificates of levy on shares, or otherwise, actual expenses, but not more than thirty dollars (\$30.00). [CRS 30-1-104(1)(dd)]
- 34 For making return on execution, actual expenses, but nor more than sixty dollars (\$60.00). [CRS 30-1-104(1)(ee)]
- 35 For executing certificate of redemption, actual expenses, but nor more than thirty dollars (\$30.00). [CRS 30-1-104(1)(ff)]
- 36 For service and execution of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred in counties of every class, actual expenses not to exceed two hundred dollars (\$200.00), except that a Sheriff may charge for actual expenses in excess of two hundred dollars if the work performed exceeds two hours in duration. A Sheriff may charge a fee under this paragraph (36) after the Sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph shall only be charged once per location for each service or execution.

II. MILEAGE

A. Criminal Actions:

Mileage for each mile actually and necessarily traveled in serving each writ, subpoena or other process in a criminal action, twenty cents (\$.20)

B. An Action Other Than a Criminal Action:

In addition to the fees specified in Section I of this Resolution, as applicable, the Sheriff Office shall charge mileage, which amount per mile shall be charged pursuant to a zip code based fee structure in accordance with CRS 30-1-104(1)(h.5)(II). Such fee structure for mileage shall as set forth in Appendix "A." The single mileage fees for each zone or zip code in Montrose County as set forth in Appendix "A" are hereby set by this Resolution and approved by the Board of County Commissioners. The Sheriff's Office shall post Appendix "A" in a location accessible to the public pursuant to § 30-1-108, C.R.S., as amended.

III. TWO OR MORE PAPERS SERVED ON THE SAME PERSON OR DIFFERENT PERSONS AT THE SAME TIME AND PLACE IN SAME ACTION

Pursuant to § 30-1-105.5, CRS., as amended, in situations when two or more papers are served on the same person or different persons at the same time and place and in the same action, the Sheriff shall charge the highest individual fee allowable pursuant to § 30-1-104, C.R.S. for the first process and an additional ten dollars (\$10.00) for each subsequent process served. The Sheriff shall charge the single zone mileage based fee for the first process.

IV. BILLING ACCOUNTS:

Pursuant to § 30-1-106(2) and (3), C.R.S., as amended, the Montrose County Sheriff's Office has the authority to establish billing accounts for licensed attorneys and licensed collection agencies that have a principle office located in the state of Colorado. The Sheriff's Office Civil Section has the authority to develop standardized procedures for billing the accounts authorized herein, including the ability to suspend the billing privileges of any entity for nonpayment of a fee upon demand or other good cause shown.

V. COPIES OF CRIMINAL JUSTICE RECORDS

For copies, printouts, or photographs of criminal justice records fees shall be set according to 24-72-306 (1)(2)(3) and are defined in Exhibit B attached to this resolution.

VI. COMPLIANCE WITH COLORADO REVISED STATUTES

It is the intent of this resolution that the amount of the fees charged for the various services described in this Resolution comply with the amount authorized by the applicable section of the Colorado Revised Statute referenced in this Resolution, and that if such section is subsequently amended by the General Assembly, then the applicable provision of this Resolution shall be considered so amended.

This resolution shall take effect immediately upon its adoption.

Adopted this 2nd day of April, 2012

BOARD OF COUNTY COMMISSIONERS
OF MONTROSE COUNTY

By: David A. White

ATTEST:

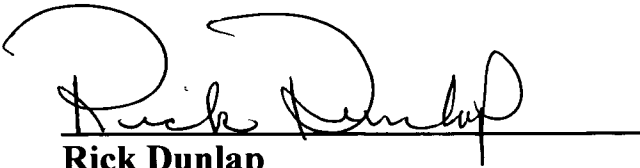
Mare Simons
Clerk of the Board



APPROVED: Rick Dumb
Montrose County Sheriff

Records Release Fee Schedule

Research Fee for Reports:	\$2.50
Reports:	\$.25 Per Page
Background Checks:	\$3.00
Fee For Redacting: Minimum ¼ Hour	\$20.00 Per Hour
Mug Shots:	\$ 1.00
Address Research: Minimum ½ Hour	\$20.00 Per Hour



Rick Dunlap
Sheriff, Montrose County

APPENDIX A

Zip Code based mileage fees for the service of civil process are based on round trip mileage from the Montrose County Sheriff's Office located at 1200 North Grand Avenue, Montrose, Co and Montrose County Sheriff's Office (West End) located at 27700 DD Road, Nucla, CO. Mileage is based on average mileage for each zip code and calculated at the current mileage rate of \$.50 per mile set pursuant to 30-11-107(1)(t), C.R.S. as amended.

MONTROSE	81401	3.00
MONTROSE	81403	5.00
OLATHE	81425	10.00
CIMARRON	81220	10.00
MAHR/CRAWFORD	81415	60.00
NUCLA	81424	6.00
NATURITA	81422	6.00
REDDALE	81431	14.00
NORWOOD	81423	21.00
PARADOX	81429	33.00
BEDROCK	81411	33.00