

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: 6 September 2011

SUBJECT: Civil Process - Out of state service fee increase

PRESENTER: Sheriff Davis

ATTACHMENTS: None

SUMMARY OF REQUEST:

As you may know, the Sheriff's Office is permitted, but not required by law, to serve civil processes issued by states other than North Carolina. General Statutes regulating service fees apply only to North Carolina issued documents, as defined by N.C.G.S. §7A-311.

North Carolina General Statute §153A-102 grants the Board of Commissioners the power to fix fees and commissions charged by county officers and employees for performing services or duties permitted or required by law.

The Sheriff's Office currently charges \$60.00 per out of state process fee, plus a \$5.00 notary fee for a total of \$65.00. Our recommendation is to set this rate at \$85.00, plus a \$5.00 notary fee for a total of \$90.00, to more accurately reflect actual cost of service, since out of state processes are almost always far more labor intensive and time consuming, nor do requestors pay any local or state taxes.

The in-state fee, as set by General Statute, was increased from \$15.00 to \$30.00 effective August 1, 2011. The last adjustment for out of state civil process fees was December 15, 2005, and coincided with the last in-state fee increase.

BOARD ACTION REQUESTED:

The board is requested to increase the current \$65.00 fee for out of state civil process, which Henderson County is not required to serve, to \$90.00.

Suggested Motion:

I move the Board increase the current \$65.00 fee for out of state civil process, which Henderson County is not required to serve, to \$90.00.