

Report to the Iowa General Assembly Regarding Fees for the Service of Civil Process Pursuant to SF 503

Researched, compiled and presented by Iowa State Sheriffs & Deputies Association

Impacted Code Sections:

331.655 FEES – MILEAGE -- EXPENSES
Service of Notices (331.655 (1)(a))
Service of Warrants (331.655 (1)(b))
Service of Subpoena (331.655 (1)(c))
Condemnations (331.655 (1)(e))
Executions (executions, attachments, orders, injunctions, writs) (331.655 (1)(f))
Sheriff Sales (331.655 (1)(g, k))
Commitments (331.655 (1)(l))

Background:

Duties of the Sheriff in the Iowa Code are extensive. One area that is often overlooked is the section relating to the service of civil process. Among other duties, this includes serving court orders, managing the sale of various types of property, facilitating condemnation proceedings, collecting and distributing funds that have been levied upon, evicting tenants from their place of residence, and transporting individuals to and from mental health facilities. These services are requested by attorneys, landlords, businesses, the courts and others. These duties necessarily require a lengthy time commitment by sworn staff in the field as well as support staff that prepare paperwork, collect and distribute funds, and communicate between officers and the courts. Trained and outfitted deputies, knowledgeable support staff and supporting technology cannot be overlooked as a requirement to accomplish these duties in a safe and professional manner. If the user fees for these services, as set in Iowa Code, fall short of the actual cost of service, the cost is passed on to local property taxpayers.

Brief Summary of Findings:

Of the 16 Sheriff's Offices that were surveyed, 88,559 services were completed at a loss of \$4,530,824. Those 16 offices serve 41% of Iowa's population which suggests possible losses statewide of over \$11.1 million in what should have otherwise been charged to users in user fees. The losses are particularly impactful in rural areas where losses in the hundreds of thousands represent higher percentages of a Sheriff's budget. Sheriff's Offices continually provide these services for users but it is certainly at the cost of other public safety services, possible property tax reductions at the local level, or other desirable county services that may be currently unaffordable.

Proposal:

The allowable user fees allowed under IA Code 331.655 have remained stagnant for over 15 years. A concern has been that raising these fees is a tax increase when, in fact, the artificially low rates necessarily cause unfunded mandates for local taxpayers. This is briefly illustrated above and further shown in the attached data. The Iowa State Sheriffs' and Deputies' Association is seeking relief, specifically in those areas where the task to be performed is to the sole benefit of the user requesting the service.

Data:

Per Senate File 503, which created subsection 5 of 331.655, 10 rural and 6 urban counties were randomly selected to participate in this research and report. Actual revenue and expense figures were compiled and management from each county provided a method in which to categorize those figures into the sections provided in this code section. Outliers were removed from the final calculations in the following way:

1. The highest cost per paper figures for both urban and rural counties were removed.
2. Additional cost per paper values that were deemed excessive were removed.
3. Cost per paper values that seemed artificially low were still included so as to provide a more conservative estimate.
4. The lowest revenue generated per paper values that were reported were removed
5. Revenue and expense numbers for counties who served proportionally low amounts of a particular category were removed since efficiencies that other counties were able to achieve could not be reached.

Cost per paper averages were then computed for both urban and rural counties and displayed on a chart against the current allowable rates.

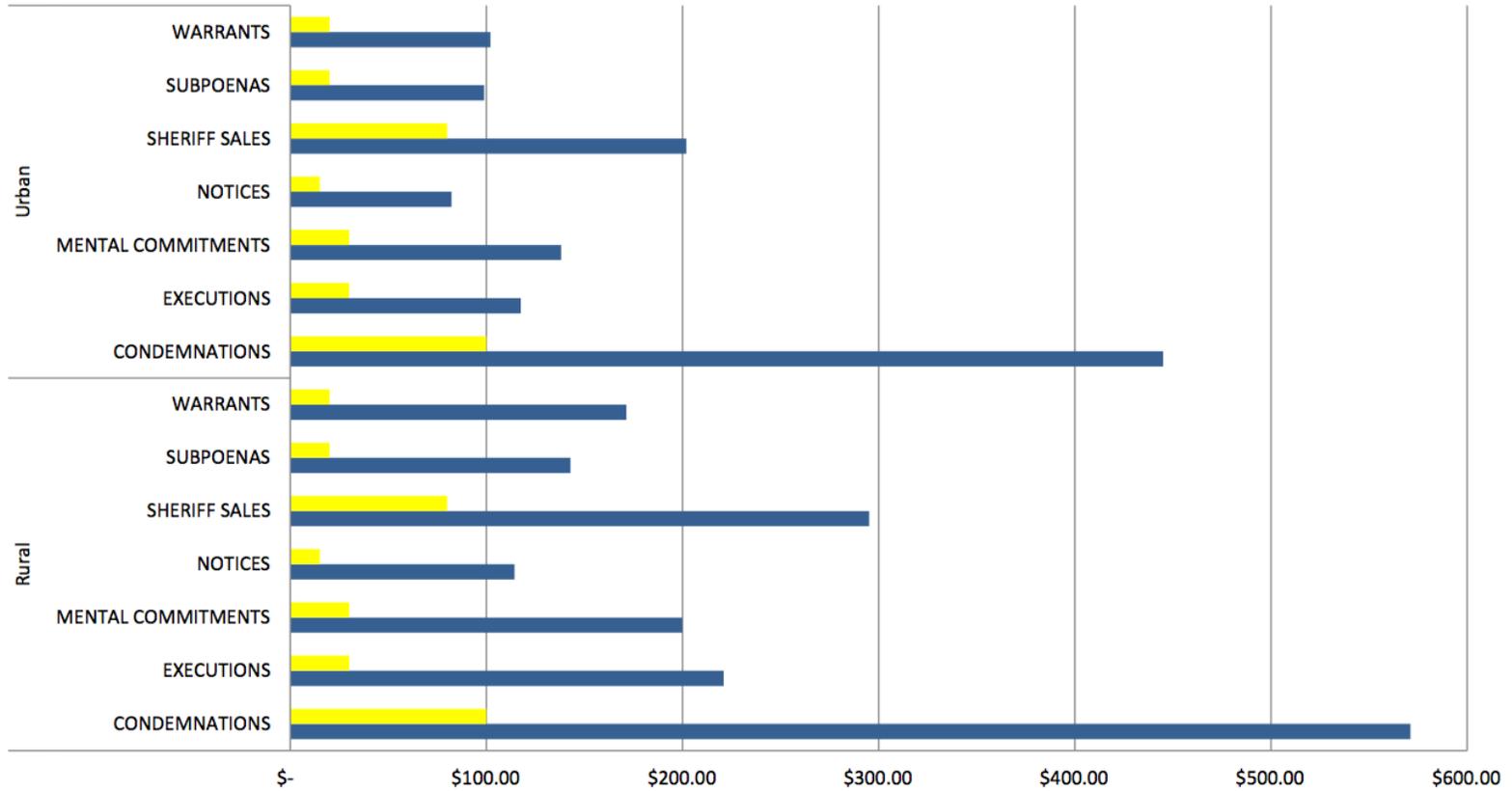
Conclusion:

Legislative action is required, and therefore requested, to adjust user fees allowed in 331.655 in an effort to narrow the gap between current fees allowed and actual cost of service. The difference between the collected amounts and the actual cost is a burden to taxpayers who do not benefit from the services provided. The consequences of no adjustment to the fees result in reduced services by local Sheriff's offices or other county offices and higher taxes.

Attachments:

Average Cost Per Unit vs. Allowable Rate Per Code
Average Per Unit Loss by Service/
Paper Type

Average Cost Per Unit vs. Allowable Rate Per Code



	Rural							Urban						
	CONDEMNATIONS	EXECUTIONS	MENTAL COMMITMENTS	NOTICES	SHERIFF SALES	SUBPOENAS	WARRANTS	CONDEMNATIONS	EXECUTIONS	MENTAL COMMITMENTS	NOTICES	SHERIFF SALES	SUBPOENAS	WARRANTS
■ Average of Current \$	\$100.00	\$30.00	\$30.00	\$15.00	\$80.00	\$20.00	\$20.00	\$100.00	\$30.00	\$30.00	\$15.00	\$80.00	\$20.00	\$20.00
■ Average of cost per	\$571.21	\$221.02	\$199.92	\$114.24	\$295.12	\$142.80	\$171.36	\$445.02	\$117.52	\$138.14	\$82.26	\$201.91	\$98.87	\$102.08

Average Per Unit Loss By Paper Type

