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**County of El Paso
Agenda Item Details**

Item Title: Sheriff's Office- 2025 Notice of Sheriff and Constable Fees

Submitted By: Richard Wiles, Sheriff

Department: EPCSO

Department Phone Number: (915) 538-2006

Subject: Rescind the Commissioners Court Order of August 12, 2024, Item 4U on the Consent Agenda: Pursuant to section 118.131 of the Texas Local Government Code, approve and authorize the County Judge to sign an order setting reasonable fees for the Sheriff and Constable services effective January 1, 2025. (#5376-OP) Further, approve and authorize the County Judge to sign a corrected order setting reasonable fees for Sheriff and Constable services effective January 1, 2025, pursuant to Texas Local Government Code Section 118.131. (#5376-OP)

Background: Amended fee schedule is being proposed to set Truancy Court Summons fee at \$0.00 to bring it in line with Chapter 65 of the Family Code and HB 2398 from the 84th Legislative Session, as well as to authorize the waiver of fees charged to El Paso County departments or offices when such services are requested in the performance of official business. All other prior approved fee increases remain the same.

Fiscal Impact: Contract Number: 5376-OP
Contract Term Start: N/A
Contract Term End: N/A
County Attorney Opinion Number:

Fiscal Impact Historical
N/A

Fiscal Impact Projected
N/A

Long Account Number: Amount:

Long Account Number: Amount:

Budget or Unbudgeted Match:

Recommendation:

Rescind the Commissioners Court Order of August 12, 2024, Item 4U on the Consent Agenda: Pursuant to section 118.131 of the Texas Local Government Code, approve and authorize the County Judge to sign an order setting reasonable fees for the Sheriff and Constable services effective January 1, 2025. (#5376-OP) Further, approve and authorize the County Judge to sign a corrected order setting reasonable fees for Sheriff and Constable services effective January 1, 2025, pursuant to Texas Local Government Code Section 118.131. (#5376-OP)

Prior Action:

The court approved the 2025 fees on 8/12/2024 Item No. 4U
The court approved the 2022 fees on 6/17/2021 Item No. 13
The court approved the 2021 fees on 8/31/2020 Item T.
The court approved the 2020 fees on 8/26/2019 Item V.

Strategic Plan:

Goal:

null

Objective:

Strategic Plan Information:

**Estimated Time Needed
For This Item:**

NOTICE OF SHERIFF AND CONSTABLE FEES

ON THE 26th DAY OF AUGUST 2024, THE COMMISSIONERS COURT OF EL PASO COUNTY, TEXAS, *IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS LOCAL GOVERNMENT CODE, SUB CHAPTER F, SECTION 118.131*, SET THE FOLLOWING FEES TO BE CHARGED IN CIVIL MATTERS FOR SERVICE AND UNSUCCESSFUL SERVICE* BY THE OFFICES OF THE SHERIFF AND CONSTABLES OF EL PASO COUNTY, TEXAS, TO BE EFFECTIVE ON **JANUARY 1, 2025**.

CIVIL PROCESS FEES

Citation/Notice By Posting	\$85.00	Mental Commitment.....	\$165.00
Citation By Publication	\$85.00	Capias/Commitment (from a Civil Suit).....	\$165.00
All Other Citations	\$125.00	Warrant to Take Physical Custody of Child...	\$220.00
Temporary Restraining Order	\$120.00	Writ of Attachment	\$250.00***
Subpoena.....	\$100.00	Writ of Execution	\$250.00**†
Subpoena <i>Instanter</i>	\$125.00	Writ of Possession	\$250.00**
Notice.....	\$100.00	Writ of Reentry	\$250.00**
Precept	\$100.00	Writ of Venditioni Exponas	\$250.00**
Summons	\$100.00	Writ of Sequestration	\$250.00**
Writ of Garnishment	\$125.00	Tax Warrant	\$220.00**
Writ of Injunction	\$125.00	Order of Sale	\$240.00**
Writ of Supersedeas/Certiorari	\$125.00	Turnover Order.....	\$220.00**
Writ of Habeas Corpus.....	\$275.00	Distress Warrant.....	\$220.00
Protective Order Applicants fee... ..	\$0.00	Any other Writ/Order for the enforcement of	
Fees from Family Code 81.003.....	\$100.00	a judgment or to Seize Property	\$250.00**
Any other civil document (deliver only).....	\$100.00	Executing original deed (purchaser)	\$55.00
Justice Court Summons.....	\$85.00	Executing Bill of Sale (purchaser).....	\$50.00
Justice Court Subpoena.....	\$85.00	Posting Notice of Sale	\$30.00
Justice Court Citation (not F.E.D.).....	\$85.00	Research Archives for civil case file... ..	\$20.00
Forcible Entry and Detainer	\$100.00	Executing replacement Deed unrecorded... ..	\$40.00
Small Claims Court Summon.....	\$85.00	Executing replacement Bill of Sale unrecorded. .	\$40.00
Small Claims Court Subpoena	\$85.00	Executing replacement Proof of Service/Attempted	
Small Claims Court Citation	\$85.00	Service/Affidavit for sub-service... ..	\$20.00
Release court ordered impounded vehicle.....	\$26.00	Truancy Court Summons.....	\$0.00

Additional fees may apply: www.epcounty.com/clerk

OTHER FEES

Transportation Code Chapter 683 & Misc Fees

Admin fee to process each vehicle... ..	\$10.00
Admin fee to re-issue receipt.....	\$15.00
Additional storage fee assessed per day... ..	\$20.00
Storage fee per day.....	\$20.00
Admin fee to research any case.....	\$20.00
Fingerprint Processing (first card).....	\$15.00
Fingerprint Processing (each additional card)	\$5.00
Local Criminal History Check... ..	\$13.00
Notification Fee.....	\$25.00

Special Events Fees

Application Fee... ..	\$75.00
Late Application Fee (less than 30 days prior to event).....	\$150.00

	<u>Hourly Rate Straight</u>	<u>Hourly Rate Overtime</u>
Lieutenant:	\$65.00	\$97.50
Sergeant:	\$60.00	\$90.00
Deputy:	\$55.00	\$82.50

Flat hourly rate per Sheriff's or Constable's vehicle used: \$25.00

ALL FEES ESTABLISHED UNDER THIS ORDER ARE HEREBY WAIVED FOR ANY COUNTY DEPARTMENT OR OFFICE WHEN SUCH SERVICES ARE REQUESTED IN THE PERFORMANCE OF OFFICIAL COUNTY BUSINESS. THIS EXEMPTION APPLIES TO, BUT IS NOT LIMITED TO, SERVICE OF PROCESS, CITATIONS, SUBPOENAS, AND WRITS.

Vehicles purchased at a Saturday Auction must be picked up by Monday or storage fees will resume. Vehicle storage fees for other vehicles begin the day the vehicle arrives at the impound lot.

- * Pursuant to Local Government Code Section 118.131. and Attorney General Opinion JM-1046 (1989), the expenses for providing services incident to unsuccessful service of process are equal to or exceed the expenses of actual service and the fee is thus set at the same cost charged for actual service.
- ** All writs and/or orders involving the seizure of property, sale of property or the enforcement of a judgment which exceeds three (3) hours in the execution or enforcement of such writ/order will be assessed an additional fee of **\$50.00 per hour** per officer for each hour or portion thereof. A minimum of two (2) officers will be required during the execution or enforcement.

Pursuant to Rule 126 of the Texas rules of Civil Procedure, all fees for any/all civil cases originating outside the County of El Paso, and/or the State of Texas must be collected *in advance* except when Paupers Oath is filed. The Sheriff or Constable will not execute any process until fees are received.

- *** All expenses associated with the delivery of a person out of county will be charged to the party sending the writ/or order. These expenses may include, but are not limited to the cost of travel, cost per officer per hour, per diem, lodging, etc. An estimate of these expenses will be provided to the party prior to servicing the writ and/or order, and payment will be required prior to service.

- † Writs of Execution with multiple defendants will be assessed a fee Per Defendant.

BY ORDER OF THE COMMISSIONERS COURT OF EL PASO COUNTY

RICARDO A. SAMANIEGO
COUNTY JUDGE



COMMISSIONERS COURT COMMUNICATION

AGENDA DATE: 8/26/2024

CONSENT OR REGULAR: Consent

CONTRACT REFERENCE NO
(IF APPLICABLE): 5376-OP

**SUBJECT: Rescind the August 12, 2024 order setting reasonable fees for Sheriff and Constable services, and, pursuant to section 118.131 of the Texas Local Government Code, approve and authorize the County Judge to sign an order setting reasonable fees for Sheriff and Constable services effective January 1, 2025. (#5376-OP).
Sheriff Richard D. Wiles, El Paso County Sheriff's Office (915)538-2234**

BACKGROUND:

Amended fee schedule is being proposed to set Truancy Court Summons fee at \$0.00 to bring it in line with Chapter 65 of the Family Code and HB 2398 from the 84th Legislative Session, as well as to authorize the waiver of fees charged to El Paso County departments or offices when such services are requested in the performance of official business. All other prior approved fee increases remain the same.

FISCAL IMPACT:

N/A

PRIOR COMMISSIONERS COURT ACTION (IF ANY):

The court approved the 2025 fees on 8/12/2024 Item No. 4U
The court approved the 2022 fees on 6/17/2021 Item No. 13
The court approved the 2021 fees on 8/31/2020 Item T.
The court approved the 2020 fees on 8/26/2019 Item V.

RECOMMENDATION:

Rescind the August 12, 2024 order setting reasonable fees for Sheriff and Constable services, and, pursuant to section 118.131 of the Texas Local Government Code, approve and authorize the County Judge to sign an order setting reasonable fees for Sheriff and Constable services effective January 1, 2025. (#5376-OP).

COUNTY ATTORNEY APPROVAL

The attached document has been given legal review by the El Paso County Attorney's Office on behalf of the County of El Paso, its officers, and employees. Said legal review should not be relied upon by any person or entity other than the County of El Paso, its officers, and employees.

COUNTY ATTORNEY: Carlos Madrid

LEGAL REVIEW:

LEGAL REVIEW NOTES (If Applicable):

DATE:

SUBMITTED BY: Sheriff Richard D. Wiles