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RESOLUTION NO. 10-286

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION CONCERNING FEES CHARGED BY THE EL PASO COUNTY SHERIFF'S OFFICE RELATING TO THE SERVICE OF PROCESS 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)

WHEREAS, the fees set forth in this Resolution will supersede and rescind the fees which the Sheriffs Office is authorized to charge, as set forth in El Paso County Resolution No. 01-334; 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, House Bill 10-1057 authorizes a Sheriff to establish a zone- or zip code-based mileage fee structure to be set by county resolution and posted pursuant to § 30-1-108, C.R.S.

NOW THEREFORE, BE IT RESOLVED, in accordance with the provisions of §§ 30-1-104, 30-1-105.5, 30-1-106 and 30-1-116 C.R.S., as amended, the fees collected by the El Paso County Sheriff or his/her designated representatives for serving and returning various writs and processes and performing other duties under state law shall be fixed as follows:

I. FEES:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed thirty-five dollars (\$35.00).
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, for each party, twenty dollars; (\$20.00).



Office of County Clerk and Recorder  
El Paso County, State of Colorado  
Certified to be a full, true and Correct  
Copy of record in my Office.

210068345 Book Page . . . . .  
Date 7/19/2010 . . . . .

Robert C. Balink . . . . .

County Clerk & Recorder  
El Paso County, Colorado  
By Sarah R. Mann Deputy

- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).
- (6) For serving and returning each subpoena in other than a criminal action on each witness; sixty dollars (\$60.00).
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, twenty dollars (\$20.00).
- (9) For serving each juror, ten dollars (\$10.00).
- (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, but not more than seventy-five dollars (\$75.00).
- (11) For serving garnishee summons on each party, twenty dollars (\$20.00).
- (12) In making demand for payment on executions when payment is not made, one dollar (\$1.00).
- (13) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage as described in Section III.B. of this resolution and actual expenses, but not more than seventy-five dollars (\$75.00).
- (14) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage, as described in Section III.B herein, and actual expenses, but not more than \$75.00).
- (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.

- (16) For making and filing for record a certificate of levy on attachment or other cases, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (17) For committing and discharging convicted prisoners to and from the county jail, in counties of every class, a reasonable fee, not to exceed thirty dollars (\$30.00), which fee shall be collected directly from prisoners at the time of commitment, but shall be refunded to any prisoner who is not convicted.
- (18) For serving writ with aid of posse Comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00); for serving same without aid in counties of every class, actual expenses, but not more than four dollars (\$4.00).
- (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).
- (20) For attending courts of record when in session, per diem of twelve hours, or fraction thereof, in counties of every class, 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.
- (21) For advertising property for sale, besides the actual cost of the advertising, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (22) For making certificates of sale previous to execution of deed, or on sales of personal property, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00);
- (23) For executing and acknowledging deed of sale of real estate, in counties of every class, actual expenses, but not more than forty dollars (\$40.00).
- (24) For taking, approving, and returning bond in any case, in counties of every class, a reasonable fee, not to exceed ten dollars (\$10.00).
- (25) For executing capias or warrant in criminal cases, on each prisoner named therein, in counties of every class, two dollars (\$2.00).

- (26) For transporting insane or other prisoners, besides the actual expenses necessarily incurred, in counties of every class, 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, and for the service of mittimus or other process order, whether written or otherwise, in transporting prisoners, in counties of every class, 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.
- (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, in counties of every class 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).
- (28) For money collected by sale of personal property, in counties of every class, 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).
- (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.

- (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.
- (31) For serving and returning writ of ne exeat or body attachment, in counties of every class, actual expenses, but not more than twenty dollars (\$20.00).
- (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).
- (33) For making certificates of levy on shares, or otherwise, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (34) For making return on execution, in counties of every class, actual expenses, but nor more than sixty dollars (\$60.00).
- (35) For executing certificate of redemption, in counties of every class, actual expenses, but nor more than thirty dollars (\$30:00).
- (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.
- (37) Actual Expenses:  
Pursuant to § 30-1-104(2) C.R.S., as amended, "actual expenses" means those personnel and processing costs incurred in typing, processing, filing, and serving said process papers but does not include mileage.

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 (\$0.20)

B. An Action Other Than a Criminal Action:

Mileage shall be charged at the mileage rate authorized for County officials and employees pursuant to § 30-11-107(l)(t), C.R.S. as amended, for each mile actually and necessarily traveled in serving each writ, subpoena, or other process in an action other than a criminal action. The Sheriffs Office will post the current mileage rate set by the Board of County Commissioners pursuant to § 30-11-107(l)(t), C.R.S. as amended, in a location accessible to the public pursuant to § 30-1-108, C.R.S., as amended.

Per C.R.S. § 30-1-104(1)(h.5)(II), the El Paso County Sheriff may establish a zone- or zip code-based mileage fee structure. The zone- or zip code-based mileage fee structure shall establish a single mileage fee for the service of any writ, subpoena, or other process in an action, other than a criminal action, in each separate zone or zip code, as applicable, in El Paso County. The applicable single mileage fee for a zone or zip code shall be charged for all papers served in the zone or zip code regardless of the number of attempts or actual mileage traveled by a sheriff within the zone or zip code during a sheriff's operational period. The El Paso County Sheriff's Office has established a zone- or zip code-based mileage fee structure as set forth in Appendix "A". The single mileage fees for each zone or zip code in El Paso County as set forth in Appendix "A" are hereby set by this resolution and approved by the Board of County Commissioners. The Sheriffs Office will post Appendix "A" in a location accessible to the public pursuant to § 30-1-108, C.R.S., as amended.

IV. 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, C.R.S., 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.

V. BILLING ACCOUNTS:

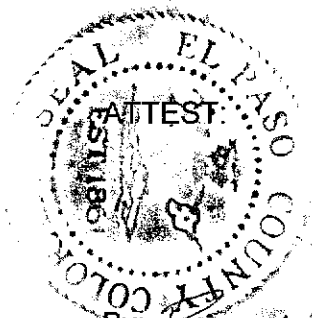
Pursuant to § 30-1-106(2) and (3), C.R.S., as amended, the El Paso County Sheriff's Office has the authority to establish billing accounts for licensed attorneys and licensed collection agencies that have a principle office located in the state of Colorado. The Sheriff's Office Civil Section has the 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.

This resolution shall take effect August 11, 2010.

DONE THIS 15th day of July, 2010, at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

By: *Dir. Hing*  
Chair



By: *Annabel Wheeler*  
Deputy County Clerk & Recorder

## APPENDIX A

"Zip Code-Based Mileage Fees" for the service of civil process by Sheriff's deputies are based on round-trip mileage from the location of the El Paso County Sheriff's Office Civil Unit, 210 South Tejon Street, Colorado Springs, Colorado, to a center point in each of the zip codes served by the Sheriff's Office. It is then rounded to the nearest mile (see calculated mileages below).

The fee assessed will be calculated based upon the round-trip mileage established for the address where the paper is to be served in the applicable zip code, multiplied by the current mileage rate set pursuant to § 30-11-1 07(1)(t), C.R.S., as amended. This is regardless of the number of attempts made, or the actual number of miles traveled by the deputy in effecting service per operational period, for that day. It is the customer's responsibility to inform the Sheriff's Office Civil Section of the number of days to be attempted for each paper to be served.

**El Paso County Sheriff's Office Civil Section  
210 South Tejon Street, Colorado Springs, Colorado**

| Zip Code | Round Trip Miles<br>from 210 S. Tejon St.,<br>Colo. Spgs., CO |
|----------|---|
| 80106    | 76  |
| 80132    | 42  |
| 80133    | 48  |
| 80808    | 76  |
| 80809    | 24  |
| 80817    | 32  |
| 80819    | 30  |
| 80829    | 26  |
| 80831    | 50  |
| 80832    | 88  |
| 80833    | 80  |
| 80840    | 30  |
| 80841    | 30  |
| 80863    | 38  |
| 80864    | 78  |
| 80902    | 14  |
| 80903    | 2   |
| 80904    | 10  |
| 80905    | 4   |
| 80906    | 10  |
| 80907    | 6   |
| 80908    | 38  |
| 80909    | 8   |
| 80910    | 8   |
| 80911    | 22  |



|       |    |
|-------|----|
| 80912 | 34 |
| 80913 | 20 |
| 80914 | 16 |
| 80915 | 22 |
| 80916 | 12 |
| 80917 | 16 |
| 80918 | 14 |
| 80919 | 18 |
| 80920 | 26 |
| 80921 | 38 |
| 80922 | 28 |
| 80923 | 30 |
| 80924 | 26 |
| 80925 | 24 |
| 80926 | 34 |
| 80927 | 28 |
| 80928 | 68 |
| 80929 | 28 |
| 80930 | 40 |
| 80938 | 28 |
| 80939 | 22 |
| 80951 | 22 |

**Civil Service Zip Code-Based Mileage  
Supporting Documentation**

The Zip Code-Based Mileage structure was determined by using two Internet map and driving-direction programs to determine the center point of each zip code. That center point was confirmed by using a zip-code boundary map provided over the Internet by the United States Postal Service at <http://www.usnaviguide.com/zip.htm>. The Internet map and driving direction programs were then used to compute the distance from the El Paso County Sheriff's Office Civil Unit location, 210 South Tejon Street, Colorado Springs, CO, to the center point of that zip code. In the event that the map and driving-direction sites disagreed as to mileage, Global Positioning Satellite (GPS) technology was used to establish the distance, using an intersection near the geographical center of the zip code to compute the distance. In the event that the center point of the zip code appeared to be in a wilderness area with no recognized road access, the nearest intersection recognized by the GPS technology was used to establish the distance. If that method was unsuccessful, a "city center" of a nearby town or village was used to establish the distance.

The distance for each zone was then doubled to establish the required single round trip ("R/T") mileage fee total to be charged per day, regardless of the number of attempts for that individual process, during that deputy's operational period for that day. The total mileage per day is then multiplied by the current per mile amount pursuant to § 30-11-107(1)(t), C.R.S., as amended, to establish the actual dollar amount of the fee to be charged, per day, to the person requesting the service of the process.

| Zip Codes established by GPS | Round-trip distances and comments.   |
|------------------------------|--|
| 80106                        | As no intersection registered on the GPS device, the town center of Elbert, Colorado was used to establish the distance of 76 miles.       |
| 80817                        | The intersection of Turf Trail Place and Rancher Drive in Fountain, Colorado was used to establish the distance of 32 miles.               |
| 80829                        | The intersection of Sunrise Peak Road and Eagle Mountain Road in Manitou Springs, Colorado was used to establish the distance of 26 miles. |
| 80831                        | The intersection of Bradshaw Road and Manitou Street in Peyton, Colorado was used to establish the distance of 50 miles.                   |
| 80832                        | The intersection of Pine Street and Main Street in Ramah, Colorado was used to establish the distance of 88 miles.                         |

|       |   |
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| 80833 | As no intersection registered on the GPS device, the town center of Rush, Colorado was used to establish the distance of 80 miles.                  |
| 80840 | The intersection of Douglass Loop and Interior Drive in the United States Air Force Academy was used to establish the distance of 30 miles.         |
| 80863 | The intersection of East Lake Avenue and North Baldwin Street in Woodland Park, Colorado was used to establish the distance of 38 miles.            |
| 80864 | The intersection of South Yoder Road and Fossinger Road in Yoder, Colorado was used to establish the distance of 78 miles.                          |
| 80904 | The intersection of Juniper Way and Gateway Road in Colorado Springs, Colorado was used to establish the distance of 10 miles.                      |
| 80906 | The intersection of Cheyenne Mountain Zoo Road and Marland Road South in Colorado Springs, Colorado was used to establish the distance of 10 miles. |
| 80907 | The intersection of East Fillmore Street and North Stone Avenue in Colorado Springs, Colorado was used to establish the distance of 6 miles.        |
| 80908 | The intersection of Herring Road and Swan Road in Black Forest, Colorado was used to establish the distance of 38 miles.                            |
| 80910 | The intersection of Olympic Drive and Carmel Drive in Colorado Springs, Colorado was used to establish the distance of 8 miles.                     |
| 80912 | The intersection of Blue Road and Enoch Road near Schriever Air Force base was used to establish the distance of 34 miles.                          |
| 80913 | The intersection of Butts Road and Bad Toelz Road in Fort Carson, Colorado was used to establish the distance of 20 miles.                          |
| 80914 | The intersection of East Ent Avenue and South Peterson Boulevard in Peterson Air Force Base was used to establish the distance of 16 miles.         |
| 80916 | The intersection of East Fountain Boulevard and North Newport Road in Colorado Springs, Colorado was used to establish the distance of 12 miles.    |
| 80917 | The intersection of Oro Blanco Drive and North Carefree Circle in Colorado Springs, CO was used to establish the distance of 16 miles.              |
| 80918 | The intersection of North Union Boulevard and Montebello Drive West was used to establish the distance of 14 miles.                                 |
| 80924 | The intersection of Wolf Center Drive and Research Parkway in Colorado Springs, Colorado was used to establish the distance of 26 miles.            |

|       |  |
|-------|--|
| 80925 | The intersection of Bradley Road and South Marksheffel Road, Colorado Springs, CO, was used to establish the distance of 24 miles. |
| 80926 | The intersection of Turkey Creek Road and Highway 115 in Fountain, Colorado was used to establish the distance of 34 miles.        |
| 80929 | The intersection of Highway 94 and North Blaney Road in Colorado Springs, Colorado was used to compute the distance of 28 miles.   |