



Travis County Commissioners Court Agenda Request

Meeting Date: August 13, 2013

Prepared By/Phone Number: Yolanda Reyes, 512-854-9106

Elected/Appointed Official/Dept. Head: Leslie Browder, County Executive, Planning and Budget *LB*

Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE: Consider and take appropriate action on setting the Calendar Year 2014 Sheriff's and Constables' Fees.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

- Transmittal Memo from PBO outlining recommendation.
- Order of the Commissioners Court setting fees to be charged by the Offices of the Sheriff and the Constables in 2014.
- Schedule of Fees for 2014 for the Offices of the Sheriff and Constables.
- Texas Comptroller of Public Accounts letter and attachment

STAFF RECOMMENDATIONS: Approve the attached fee schedule, which increases the Constable Fees structure of calendar year 2013 by 7.25%. The current fee structure has been in effect since 2009, or five years.

ISSUES AND OPPORTUNITIES: Section 118.131 of the Texas Local Government Code requires Commissioners Court to set the fees for these Offices before October 1 of each year, to take effect on January 1 of the following year.

FISCAL IMPACT AND SOURCE OF FUNDING: The proposed fee increase would result in additional revenue for the General Fund. However, the additional revenue would not be sufficient to cover the expense of performing the service.

REQUIRED AUTHORIZATIONS:

Leslie Browder - Planning and Budget Office 512-854-9106

Jessica Rio - Planning and Budget Office, 512- 854-9106

David Salazar - County Judge's Office, 512-854-9555

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, Agenda@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.



PLANNING AND BUDGET OFFICE
TRAVIS COUNTY, TEXAS

314 W. 11th Street
P.O. Box 1748
Austin, Texas 78767

MEMORANDUM

TO: Members of the Commissioners Court

FROM: Bill Derryberry, Senior Planning and Budget Analyst 

DATE: August 2, 2013

SUBJECT: Order Setting Fees Charged by the Sheriff and Constables of Travis County in 2014

As a part of the annual budget process, under Section 118.131 of the TEXAS LOCAL GOVERNMENT CODE the Commissioners Court must set the fees to be charged for services by the offices of the Sheriff and Constables before October 1 of each year to be effective January 1 of the following year.

For calendar year 2014, this Order is attached for your approval. The order reflects PBO's recommendation to generally set Constable Fees 7.25% above the fee levels that have been in place since January 1, 2009. This would be the first increase over the past five years.

A PBO analysis of the revenue/expense relationship of the civil fees for the five Constable Offices since 2009 indicates that in each year from 2009-2013, the revenues received are less than the expenses of the Constables' offices, when adjusted for uncompensated government workload. Uncompensated government workload is estimated at 50% of the total civil workload overall. To recover the full cost for the five offices' civil divisions in FY 14 would require a 68.0% increase to Civil Process Fees. PBO does not believe it is reasonable to impose this large of an increase.

Instead, the proposed modest fee increases of \$5 to \$15 for most civil process fees would place the Constable fee levels at a level comparable to those in Harris and Dallas Counties. While PBO considered a second option that would raise the fees in the range of \$10 to \$30 (twice the proposed increase included in the Order), PBO believes that such a large increase in one year may result in driving the demand to private process servers or neighboring county's Constables.

However, PBO recommends another review of the civil process fee/expense relationship during the FY 2015 budget process to assess the need for, or size of, a second fee increase for calendar year 2015, especially in light of the upward pressures on salary and benefits costs.

This analysis has been shared with the five Constables and they all concur with the proposed increases.

Please note that PBO is not recommending any increases to the Sheriff-specific fees at this time.

Once approved, PBO will work with the County Clerk's Office to ensure the filing of the Order with the State Comptroller's Office. In addition, the revenue impact of the change will be assessed by the County Auditor's Office Revenue Section and will be reflected in the Fourth Revenue Estimate. If you have any questions or comments, please call me at 512-854-4741.

- Cc:** Sheriff Greg Hamilton
Danny Thomas, Constable, Precinct 1
Adan Ballesteros, Constable, Precinct 2
Sally Hernandez, Constable, Precinct 3
Maria Canchola, Constable, Precinct 4
Carlos Lopez, Constable, Precinct 5
Leslie Browder, County Executive, PBO
Jessica Rio, Budget Director, PBO
Diana Ramirez, Assistant Budget Director, PBO
Daniel Wilson, County Auditor's Office
Jim Connolly, Assistant County Attorney

Constable Civil Revenue / Expense History

02-Aug-13

	Actual FY 2009	Actual FY 2010	Actual FY 2011	Actual FY 2012	Budget FY 2013	End of Yr Projected FY 2013	Projected Over / Under FY 2013	Preliminary Budget FY 2014	Option A FY 2014 7.25% Incrs 100% Volume	Option B FY 2015 14.5% Incrs 100% Volume
Constable Precinct 1										
Civil Revenue Precinct 1	\$343,786	\$364,161	\$379,479	\$351,128	\$335,896	\$389,706	\$53,810	\$370,417	\$390,558	\$413,478
Civil Expense Precinct 1	\$863,136	\$890,026	\$914,639	\$967,389	\$1,022,294	\$1,064,754	\$42,460	\$851,282	\$851,282	\$851,282
Gain / (Loss) Precinct 1	(\$519,350)	(\$525,865)	(\$535,160)	(\$616,261)	(\$686,398)	(\$675,048)	\$11,350	(\$480,865)	(\$460,724)	(\$437,804)
Civil Process Executed	5,000	5,803	6,700	5,212	6,000	6,000	0	6,000	6,000	6,000
Constable Precinct 2										
Civil Revenue Precinct 2	\$416,724	\$380,620	\$435,352	\$476,724	\$510,678	\$483,345	(\$27,333)	\$480,034	\$506,136	\$535,838
Civil Expense Precinct 2	\$ 975,020	\$ 1,090,078	\$ 1,128,612	\$ 1,302,662	\$ 1,239,465	\$ 1,228,307	(\$11,158)	\$ 874,638	\$ 874,638	\$ 874,638
Gain / (Loss) Precinct 2	(\$558,296)	(\$709,458)	(\$693,260)	(\$825,938)	(\$728,787)	(\$744,962)	(\$16,175)	(\$394,604)	(\$368,502)	(\$338,800)
Civil Process Executed	4,679	5,744	5,733	5,733	5,800	5,800	0	5,800	5,800	5,800
Constable Precinct 3										
Civil Revenue Precinct 3	\$242,815	\$236,798	\$248,406	\$240,590	\$200,000	\$198,562	(\$1,438)	\$198,562	\$209,359	\$221,645
Civil Expense Precinct 3	\$ 275,046	\$ 302,322	\$ 315,672	\$ 324,085	\$ 323,997	\$ 321,198	(\$2,799)	\$ 691,399	\$ 691,399	\$ 691,399
Gain / (Loss) Precinct 3	(\$32,231)	(\$65,524)	(\$67,266)	(\$83,495)	(\$123,997)	(\$122,636)	\$1,361	(\$492,837)	(\$482,040)	(\$469,754)
Civil Process Executed	3,526	3,259	3,181	2,847	3,000	2,556	(444)	3,000	3,000	3,000
Constable Precinct 4										
Civil Revenue Precinct 4	\$237,340	\$268,907	\$295,528	\$279,942	\$265,000	\$291,497	\$26,497	\$285,719	\$301,255	\$318,934
Civil Expense Precinct 4	\$ 744,435	\$ 666,403	\$ 657,817	\$ 655,476	\$ 685,999	\$ 630,936	(\$55,063)	\$ 657,038	\$ 657,038	\$ 657,038
Gain / (Loss) Precinct 4	(\$507,095)	(\$397,496)	(\$362,289)	(\$375,534)	(\$420,999)	(\$339,439)	\$81,560	(\$371,319)	(\$355,783)	(\$338,104)
Civil Process Executed	3,935	3,818	3,698	3,600	4,110	3,984	(126)	4,059	4,059	4,059
Constable Precinct 5										
Civil Revenue Precinct 5	\$1,854,685	\$1,787,664	\$1,835,363	\$1,823,810	\$1,800,000	\$1,592,393	(\$207,607)	\$1,592,393	\$1,678,979	\$1,777,509
Civil Expense Precinct 5	\$ 3,186,106	\$ 3,196,008	\$ 3,494,247	\$3,457,234	\$3,743,815	\$ 3,668,726	(\$75,089)	\$3,687,079	\$3,687,079	\$3,687,079
Gain / (Loss) Precinct 5	(\$1,331,421)	(\$1,408,344)	(\$1,658,884)	(\$1,633,424)	(\$1,943,815)	(\$2,076,333)	(\$132,518)	(\$2,094,686)	(\$2,008,100)	(\$1,909,570)
Civil Process Executed	55,304	55,283	53,967	50,586	53,152	51,532	(1,620)	51,000	51,000	51,000
All 5 Precincts										
Revenue All 5 Precincts	\$3,095,350	\$3,038,150	\$3,194,128	\$3,172,194	\$3,111,574	\$2,955,503	(156,071)	\$2,927,125	\$3,086,287	\$3,267,403
Civil Expense All 5 Precincts	6,043,743	6,144,837	6,510,987	6,706,846	7,015,570	6,913,921	(101,649)	6,761,436	6,761,436	6,761,436
Gain / (Loss) All 5 Precincts	(2,948,393)	(3,106,687)	(3,316,859)	(3,534,652)	(3,903,996)	(3,958,418)	(54,422)	(3,834,311)	(3,675,149)	(3,494,033)
Add: Government Service Cost	1,593,053	1,598,004	1,747,124	1,728,617	1,871,908	1,834,363	(37,544)	1,843,540	1,843,540	1,843,540
NET Difference ALL 5 Precincts	(1,355,340)	(1,508,683)	(1,569,736)	(1,806,035)	(2,032,089)	(2,124,055)	(91,967)	(1,990,772)	(1,831,609)	(1,650,493)
Civil Process Executed All 5	72,444	73,907	73,279	67,978	72,062	69,872	(2,190)	69,859	69,859	69,859
% Increase required on All Civil Fees to fully recover the NET Difference for ALL 5 Precincts	43.8%	49.7%	49.1%	56.9%	65.3%	71.9%		68.0%	59.3%	50.5%

NOTES:

- The Revenues related to Criminal Fines are not included, since those revenues are reported as JP revenues. Criminal Warrant Revenues are not included since that warrant fee revenue is governed by the state through the biannual legislatures. The warrant fee has been the same since 2000.
- The Government Service Cost is 50% of the cost for each year for uncompensated governmental workload in Precinct 5. This percentage is based on information from the Consta

Constable Fee Options Annual \$ Amount Differences

	Current Fees	Option A Annual Change	2014 Fees	Option B Annual Change	2015 Fees
CITATION (County and District Court)	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
CITATION (Small Claims and Justice Court)	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
CITATION (Probate, by posting)	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
SUBPOENA (Civil)	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
SUMMONS (Civil)	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
FORCIBLE DETAINER	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
INJUNCTION	\$105.00	\$10.00	\$115.00	\$10.00	\$125.00
TURNOVER ORDER*	\$105.00	\$10.00	\$115.00	\$10.00	\$125.00
WRIT OF EXECUTION*‡	\$205.00	\$15.00	\$220.00	\$15.00	\$235.00
ORDER OF SALE*‡	\$205.00	\$15.00	\$220.00	\$15.00	\$235.00
TEMPORARY RESTRAINING ORDER	\$105.00	\$10.00	\$115.00	\$10.00	\$125.00
WRIT OF POSSESSION‡	\$150.00	\$10.00	\$160.00	\$10.00	\$170.00
PROTECTIVE ORDER (to be charged to respondent)	\$130.00	\$10.00	\$140.00	\$10.00	\$150.00
WRIT OF ATTACHMENT‡	\$145.00	\$10.00	\$155.00	\$10.00	\$165.00
WRIT OF SEQUESTRATION‡	\$145.00	\$10.00	\$155.00	\$10.00	\$165.00
WRIT OF GARNISHMENT‡	\$105.00	\$10.00	\$115.00	\$10.00	\$125.00
DISTRESS WARRANT	\$205.00	\$15.00	\$220.00	\$15.00	\$235.00
WRIT OF RE-ENTRY	\$150.00	\$10.00	\$160.00	\$10.00	\$170.00
PROPERTY CODE SHOW CAUSE ORDER	\$70.00	\$5.00	\$75.00	\$5.00	\$80.00
OTHER WRITS‡	\$105.00	\$10.00	\$115.00	\$10.00	\$125.00
MENTAL/ALCOHOL/DRUG COMMITMENT	\$15.00	\$0.00	\$15.00	\$0.00	\$15.00
PEACE BOND	\$15.00	\$0.00	\$15.00	\$0.00	\$15.00
POSTING WRITTEN NOTICE (each)	\$55.00	\$5.00	\$60.00	\$5.00	\$65.00
TAKING AND APPROVING BOND	\$30.00	\$5.00	\$35.00	\$5.00	\$40.00
EXECUTING A DEED	\$30.00	\$5.00	\$35.00	\$5.00	\$40.00
EXECUTING A BILL OF SALE	\$30.00	\$5.00	\$35.00	\$5.00	\$40.00
CRIMINAL RECORD/WARRANT LETTER	\$15.00	\$0.00	\$15.00	\$0.00	\$15.00

ORDER OF THE COMMISSIONERS COURT
SETTING FEES TO BE CHARGED BY THE OFFICES
OF THE SHERIFF AND CONSTABLES IN 2014

STATE OF TEXAS

COUNTY OF TRAVIS

Pursuant to Section 118.131 of the TEXAS LOCAL GOVERNMENT CODE, it is hereby ORDERED that the fees to be charged for services by the offices of the Sheriff and Constables of Travis County in 2013 be and the same are hereby set in the amounts set out in the Schedule of Fees to Be Charged for Services by the Offices of the Sheriff and Constables of Travis County in 2014 which is attached hereto and made a part hereof.

ORDERED THIS 13th DAY OF AUGUST 2013.

TRAVIS COUNTY COMMISSIONERS COURT

Samuel T. Biscoe, County Judge

Ron Davis
Commissioner, Precinct One

Bruce Todd
Commissioner, Precinct Two

Gerald Daugherty
Commissioner, Precinct Three

Margaret Gómez
Commissioner, Precinct Four

**SCHEDULE OF FEES TO BE CHARGED
FOR SERVICES† BY THE OFFICES OF THE SHERIFF
AND CONSTABLES OF TRAVIS COUNTY IN 2014
Effective January 1, 2014**

CITATION (County and District Court)	\$ 75.00
CITATION (Small Claims and Justice Court)	75.00
CITATION (Probate, by posting)	75.00
SUBPOENA (Civil)	75.00
SUMMONS (Civil)	75.00
FORCIBLE DETAINER	75.00
INJUNCTION	115.00
TURNOVER ORDER ‡	115.00
WRIT OF EXECUTION*‡	220.00
ORDER OF SALE*‡	220.00
TEMPORARY RESTRAINING ORDER	115.00
WRIT OF POSSESSION ‡	160.00
PROTECTIVE ORDER (to be charged to respondent)	140.00
WRIT OF ATTACHMENT ‡	155.00
WRIT OF SEQUESTRATION ‡	155.00
WRIT OF GARNISHMENT ‡	115.00
DISTRESS WARRANT	220.00
WRIT OF RE-ENTRY ‡	160.00
PROPERTY CODE SHOW CAUSE ORDER	75.00
OTHER WRITS ‡	115.00
MENTAL/ALCOHOL/DRUG COMMITMENT	15.00
PEACE BOND	15.00
POSTING WRITTEN NOTICE (each)	60.00
TAKING AND APPROVING BOND	35.00
EXECUTING A DEED	35.00
EXECUTING A BILL OF SALE	35.00
CRIMINAL RECORD/WARRANT LETTER	15.00

(†) The fees listed above apply to an unsuccessful attempt to provide this service as well as a successful attempt.

(*) County *commission* due based on percent of monies collected is 10% of 1st \$20,000; and 4% of amounts greater than \$20,000.

(‡) For a Writ and Order of Sale served which exceeds 2 hours and for Writs served out of county or that exceed two hours, an additional fee of \$55/hour/deputy is required for an officer to perform the service.

Other fees: Issuance, renewal or reinstatement of Alarm Permit: Residential, \$25.00; Commercial, \$50.00. Response to false alarm, if more than five false alarms have occurred within the preceding 12-month period, \$75.00. Sexually Oriented Businesses: Initial registration for exemption, \$50.00; Renewal of exemption, \$25.00; Initial or renewal application for Sexually Oriented Business License, \$500.00; Initial or renewal application for Operator's License, \$50.00; issuance of duplicate registration or license, \$15.00.

Approved by Travis County Commissioners Court on August 13, 2013.

TRAVIS COUNTY, TEXAS

BY: _____
Samuel T. Biscoe, Travis County Judge

S U S A N
C O M B S

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS
PO Box 13528 • AUSTIN, TX 78711-3528



July 1, 2013

The Honorable Dana DeBeauvoir
County Clerk
Travis County
P.O. Box 149325
Austin, Texas 78714-9325



Dear Ms. DeBeauvoir:

Our office is in the process of compiling the *2014 Sheriffs' and Constables' Fees* report as required under Texas Local Government Code Section 118.131. This law requires each commissioners court to set fees charged for civil services by the offices of the sheriff and constables and directs that these fees be reported to the Comptroller.

By law, each year these fees must be set before Oct. 1, and reported to the Comptroller's office no later than Oct. 15. We will compile and publish the report, and the new fees become effective on Jan. 1, 2014. Failure to meet this deadline will result in 2013 fees remaining in effect throughout 2014.

Enclosed are instructions for reporting the 2014 fees to our office. To review and file your county's revised fees, please use the following digit access ID code to gain access 16543970. Please complete the *2014 Sheriffs' and Constables' Fees* report electronically by Oct. 15, 2013. Please be aware that even if the county has no changes in fees, the county is still responsible for reporting that information to the Comptroller's office. The county is also responsible for reviewing the listed fees for accuracy.

The *2014 Sheriffs' and Constables' Fees* report will be available on our Texas Ahead website at www.texasahead.org/lga/sheriffs on Jan. 1, 2014.

If you need assistance completing the report, please contact Annette Holmes of our Economic Development and Analysis Division at annette.holmes@cpa.state.tx.us or 1-800-531-5441, ext. 5-3792.

Sincerely,

A handwritten signature in black ink that reads "Susan Combs".

Susan Combs

Enclosure

cc: The Honorable Samuel T. Biscoe
Annette Holmes, EDA Regional Representative

Sheriffs' and Constables' Fees Update Due by Oct. 15, 2013

ATTENTION: County Judge and Commissioners Court

Changes to your Sheriffs' and Constables' fees for 2014, as authorized by Texas Local Government Code Section 118.131, must be submitted to the Comptroller's office no later than Oct. 15, 2013. To meet this deadline and to comply with the law, you must:

- place this item on your commissioners court meeting agenda
- adopt the fees before Oct. 1, 2013.

ATTENTION: County Clerk

To report your 2014 fees go to www.texasahead.org/lga/sheriffs and click on the blue "Report Fee Updates" button. This will bring up the Sheriffs' and Constables' Fees reporting tool. Enter the access code listed on the enclosed letter and select Submit. The new page will list current fees that are in effect for your county.

- If there are no changes, please indicate by marking "**Submit With No Fee or Address Changes.**"
- Enter the required information and submit.

OR

- If the commissioners court adopted changes on or before Oct. 1, 2013, please indicate by marking "**Submit With Fee or Address Changes.**"
- Please enter the required information and use the submit button to go to the next page.
- Change or add any new fees your county may have adopted for 2014.
- Use the tool bar located above the list of fees to add new fees or to change the address and/or phone number that you want to appear in the online report.
- When all changes have been completed, use the submit button at the bottom of the page.

Thank you for your assistance with this matter. If you have questions, please contact your regional representative at annette.holmes@cpa.state.tx.us or 1-800-531-5441, ext. 5-3792.