



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of March 12, 2011

**DATE:** February 22, 2011

**SUBJECT:** Request to advertise a public hearing regarding a proposed amendment to Section 27-18 of the Arlington County Code to charge a courthouse maintenance fee on all civil actions filed in the Arlington Circuit or District Courts.

#### **C. M. RECOMMENDATION:**

Authorize the advertisement of a public hearing to be held on March 24, 2011, to consider a proposed amendment, as shown on Attachment A, to amend, re-enact, and re-codify Section 27-18, of the Code of Arlington County, Virginia, to permit the clerks of the Circuit and District courts of Arlington County to collect a courthouse maintenance fee of two dollars (\$2.00), as part of the fees taxed as costs in each civil action filed.

**ISSUES:** This is a request to consider a proposed amendment, to amend, re-enact, and re-codify Section 27-18, of the Arlington County Code to permit the Arlington Circuit and District courts of to collect a courthouse maintenance fee of two dollars (\$2.00), as part of the fees taxed as costs in each civil action filed. No issues have been identified. .

**SUMMARY:** The Virginia Code, Section 17.1-281, permits the Circuit and District Court clerks to collect, as part of the fees taxed as costs in each civil case filed and each criminal or traffic case, a sum of two dollars (\$2.00) in addition to any other costs as a courthouse maintenance fee. Under existing Section 27-18 of the Arlington County Code, the courts are permitted to charge this fee for all criminal or traffic cases filed, but not for civil cases. This proposed amendment adds the \$2.00 fee for civil actions.

**DISCUSSION:** This is one of the only fees that the State Code permits Court clerks to assess for the construction, renovation or maintenance of courthouse or jail and court-related facilities or to defray increases in the cost of heating, cooling, electricity and ordinary maintenance in these facilities. In just the past year, Arlington County spent approximately \$1 million replacing and upgrading the sound and audio-visual capacity of the courtrooms. As the building ages, there have also been several instances of water damage from burst pipes and aging equipment, including humidifiers, which have damaged records and infrastructure. Imposition of this fee,

County Manager:

*BMD/mjs*

County Attorney:

*[Signature]*

Staff:

25.

although not a large source of revenue, will provide much needed funding from the state for the upkeep and maintenance of the courts, police and jail facilities. A few of the other jurisdictions which charge the \$2.00 fee for civil actions, in addition to criminal or traffic cases, are the City of Alexandria, Fairfax County, and the City of Falls Church.

**FISCAL IMPACT:** The proposed revenue to be generated by the Arlington Circuit Court in Fiscal Year FY 2012 is likely to be in the range of \$4,000 to \$5,000. The proposed revenue to be generated from General District Court in Fiscal Year 2012 is likely to be approximately \$16,000 in FY 2012.

**Attachment A**

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 27 (MISCELLANEOUS ORDINANCES) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, RELATING TO COURTHOUSE MAINTENANCE FEE FOR CIVIL ACTIONS FILED IN CIRCUIT AND DISTRICTS COURTS.**

- I. **BE IT ORDAINED** by the County Board of Arlington County, Virginia, that Chapter 27, Section 27-18, of the Code of Arlington County, Virginia, is amended, reenacted and recodified as follows, effective July 1, 2011:

\* \* \*

**§ 27-18. Establishment of courthouse maintenance fund.**

(a) The clerks of the Circuit and District Courts of Arlington County shall collect, as part of the fees taxed as costs in each civil action filed, criminal or traffic case and in addition to any other costs, a sum of two dollars (\$2.00).

(b) The collected fees shall be transferred to the Treasurer who shall place them into a courthouse maintenance fund kept by the Treasurer.

(c) The County Board or its designated agent may use money from the fund for any purpose allowed by State law relating to the County Courthouse, including, but not limited to, the construction, renovation or maintenance of the Courthouse, Jail or any Courthouse-related facility and the payment of increases in the costs of heating, cooling and electricity.

\* \* \*

- II. The remaining sections and subsections of Chapter 27 of the Code of Arlington County, Virginia, not amended hereby shall remain in effect as previously enacted.