



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of May 19, 2012

**DATE:** April 23, 2012

**SUBJECT:** Request to advertise an ordinance to amend, reenact, and recodify Chapter 27 (Miscellaneous Ordinances), Section 18 (Establishment of Courthouse Maintenance Fund) of the Code of Arlington, Virginia to include a courthouse maintenance fee on all civil actions filed in the Arlington Circuit and District Courts.

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

Authorize the advertisement of a public hearing to be held on June 16, 2012, to consider a proposed ordinance, as shown on Attachment A, to amend, reenact, and recodify 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 assessed 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 recent years, Arlington County has 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]*

33.

Staff: Richard Stephenson, Budget Director, Department of Management and Finance

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 this fee imposed on civil actions files in the Arlington Circuit and District Courts in Fiscal Year FY 2013 is estimated at \$15,000. These funds are anticipated in the FY 2013 Adopted Budget.

**Attachment A**

**AMENDMENT TO 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 EFFECTIVE JULY 1, 2012.**

1. **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 to read in pertinent part as follows:

\* \* \*

**§ 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 designee 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 cost of heating, cooling and electricity.

\* \* \*

2. **BE IT FURTHER ORDAINED** that all provisions of Chapter 27 of the Code of Arlington County, Virginia, shall remain as previously enacted.
3. **BE IT FURTHER ORDAINED** that this Ordinance shall be effective on July 1, 2012 at 12:01 am.