



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 20, 2012

**DATE:** September 25, 2012

**SUBJECT:** Correction to the ordinance adopted by the County Board on April 21, 2012, regarding the Fiscal Year 2013 Household Solid Waste Rate, and correction to the ordinance adopted by the County Board on June 16, 2012, regarding the courthouse maintenance fund.

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

1. Adopt a correction to the ordinance setting forth the Fiscal Year (FY) 2013 Household Solid Waste Rate adopted by the County Board on April 21, 2012, to rectify a typographical error (Attachment A).
2. Adopt a correction to the ordinance setting forth an amendment to the courthouse maintenance fund adopted by the County Board on June 16, 2012, to correct a typographical error (Attachment B).

**ISSUES:** The text of the section of the ordinance that was amended by the County Board on April 21, 2012, to adopt the FY 2013 Household Solid Waste Rate did not reflect the correct text of the appropriate section of Chapter 10 (Garbage, Refuse and Weeds), Article 1 of the Arlington County Code, Section 10-8. Similarly, the text of ordinance to amend Section 27-18 of the Arlington County Code did not contain the correct text in Section 27-18. A, and the ordinance did not state the proper effective year, July 1, 2012.

**SUMMARY:** Adoption of the corrections will reflect the appropriate language of Section 10-8 and Section 27-18 of the Arlington County Code. The corrections do not affect the adopted Household Solid Waste rate or courthouse maintenance fee.

**BACKGROUND:** Section 10-8 of Chapter 10, Article 1 of the Arlington County Code as cited in the April 21, 2012, staff report recommending the adoption of the Household Solid Waste Rate contained outdated language and did not reflect the correct text of the code section in effect at the time of the April action. Additionally, Section 27-18. A of the Arlington County Code as cited in the staff report for agenda item number 22 of the June 16, 2012 County Board meeting

County Manager: *BMD/mjs*

County Attorney: *JAM*

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Staff: Carolyn Gershfeld, Department of Environmental Services

contained outdated language that was not in effect at the time of action and also improperly stated the effective date as July 1, 2011.

**DISCUSSION:** The Board actions taken in April and June amended the incorrect version of Section 10-8 and Section 27-18, respectively, of the Arlington County Code. The cited language in the staff reports contained outdated versions of the code language. The fee amounts adopted in April and in June for each ordinance were correct. The adopted ordinance in April should have read that the annual household solid waste fee covers one-family residential dwelling, two-family residential dwelling, and each participating town house residential dwelling. The language in the ordinance in the staff report of April 21, 2012, adopting the FY 2013 Household Solid Waste Rate only referenced single one-family residential dwelling and duplex residential dwelling. The staff report's text for the adopted ordinance on June 16, 2012 for the courthouse maintenance fund was missing the descriptive words "fees taxed as" in Section 27-18. A; and the ordinance improperly stated the effective date as July 1, 2011. The correct effective date is July 1, 2012.

**FISCAL IMPACT:** None

**Attachment A**

The Household Solid Waste Rate as adopted on April 21, 2012 should read as follows (text to be deleted is shown in strikethrough, text to be added is shown in underline)

\* \* \*

**AN ORDINANCE TO AMEND, REENACT, AND RECODIFY CHAPTER 10 (GARBAGE, REFUSE AND WEEDS) OF ARLINGTON COUNTY CODE RELATING TO A DECREASE IN HOUSEHOLD SOLID WASTE RATE, EFFECTIVE JULY 1, 2012.**

- I. **BE IT ORDAINED** that Chapter 10, Article 1 of the Arlington County Code is amended, reenacted, and recodified as follows, effective July 1, 2012:

\* \* \*

§ 10-8. Refuse Collection and Disposal Charges; Relief from Such Charges.

- A. **There is hereby imposed for each ~~single~~ one-family residential dwelling, each unit of a ~~duplex~~ two-family residential dwelling, and each participating town house residential dwelling an annual charge of two hundred ninety-three dollars and ninety-two cents (\$293.92) billed quarterly, beginning with the quarter of July 1, 2012, through September 30, 2012, for refuse, including recycling collection and disposal by Arlington County. This annual charge shall be assessed whether or not the dwelling is occupied.**

\* \* \*

- II. The remaining sections and subsections of Chapter 10 of the Code of Arlington County, Virginia not amended hereby shall remain in effect as previously enacted.

**Attachment B**

The courthouse maintenance fee as adopted on June 16, 2012 should read as follows (text to be deleted is shown in strikethrough, text to be added is shown in underline)

**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~~ 2012:

\* \* \*

**§ 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, and in each 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.

\* \* \*

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.