

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: August 18, 2009

TO: Board of Supervisors

FROM: Maria Perrotte 
Chief Financial Officer


ISSUE: Authorize a Public Hearing to Amend and Reordain Stafford County Code, Chapter 1, Section 1-12, Entitled "Assessment for Law Library as Part of Costs in Civil Actions"

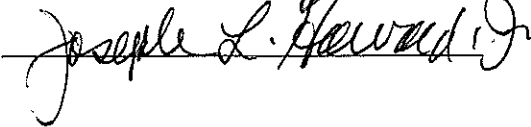
STAFF RECOMMENDATION: Approval

BUDGET IMPACT: Approximately \$35,000 additional revenue annually

ATTACHMENTS: (3)

- [1] Background Report
- [2] Proposed Ordinance O09-52
- []
- [3] Reso/Ord/Proc #R09-299
- [] Reso/Ord/Proc #
- [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office 

[X] Legal 

- [X] **Consent Agenda**
- [] **Discussion Item**
- [] **New Business**
- [] **Other Business**
- [] **Presentation**
- [] **Public Hearing**
- [] **Unfinished Business**

PRESENTATION BY: N/A

ELECTION DISTRICT: N/A

BACKGROUND REPORT

The State has passed legislation that allows an increase in Court fees assessed for the support of a law library. The proposed ordinance changes the County Code to reflect this change and allow the County to collect the maximum allowable fee. The fee would go from two dollars to four dollars for each civil action and result in approximately \$35,000 in additional revenue annually to aid in the County's support of the law library.

The County currently collects the fees and forwards them to the Central Rappahannock Regional Library on a monthly basis. The proposed ordinance would also change the method of payment so that the County would include these revenues with the quarterly payment of the Library's approved budget.

009-52

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 15th day of September, 2009:

MEMBERS:

- George H. Schwartz, Chairman
- Harry E. Crisp II, Vice Chairman
- M. S. "Joe" Brito
- Mark Dudenhefer
- Paul V. Milde III
- Cord A. Sterling
- Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 1-12, ENTITLED "ASSESSMENT FOR LAW LIBRARY AS PART OF COSTS IN CIVIL ACTIONS"

WHEREAS, a recent change to state enabling legislation has increased the maximum assessment to be collected for law library from two dollars (\$2.00) to four dollars (\$4.00); and

WHEREAS, the Board desires to collect the maximum assessment allowable by the state; and

WHEREAS, the Board wishes to explore all available revenue sources to aid in the support of the Central Rappahannock Regional Library; and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the Stafford County Code, Section 1-12 be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Sec. 1-12. Assessment for law library as part of costs in civil actions.

(a) Amount of fee: A fee of ~~two dollars (\$2.00)~~ four dollars (\$4.00) shall be assessed to each and every qualifying civil action filed in the courts located within the boundaries of the County of Stafford. The assessments provided for herein shall be in addition to all other costs prescribed by law but shall not apply to any action in which the commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the commonwealth, political subdivision thereof, or federal government.

(b) Collection of fees: The assessed fees shall be collected by the clerk of the court in which the action was filed and remitted to the county treasurer.

(c) Payment of fees:

(i) The treasurer shall pay half of said fees collected on a monthly basis to the Central Rappahannock Regional Library for maintenance and operation of a law library which shall be opened for the use of the public during normal operating hours. The treasurer shall retain half of the fees collected subject to disbursements by the board of supervisors to the Central Rappahannock Regional Library for maintenance and operation of a law library which shall be opened for the use of the public during normal operating hours. Subsection (c) (i) shall remain in effect until June 30, 2010.

(ii) Effective July 1, 2010, the treasurer shall retain the fees collected subject to disbursements by the board of supervisors to the Central Rappahannock Regional Library for maintenance and operation of a law library which shall be opened for the use of the public during normal operating hours.

(d) Contributions to law library fund: The board of supervisors is authorized to accept contributions to the fund from any bar association.

(Ord. No. 084-07, 1-17-84; Ord. No. 089-92(R), 10-17-89; Ord. No. O08-59, 10-7-08)

State law references: Similar provisions, Code of Virginia, § 42.1-70.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 18th day of August, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 1, SECTION 1-12, ENTITLED "ASSESSMENT FOR LAW LIBRARY AS PART OF COSTS IN CIVIL ACTIONS"

WHEREAS, a recent change to state enabling legislation has increased the maximum assessment to be collected for law library from two dollars (\$2.00) to four dollars (\$4.00); and

WHEREAS, the Board desires to collect the maximum assessment allowable by the state; and

WHEREAS, the Board wishes to explore all available revenue sources to aid in the support of the Central Rappahannock Regional Library; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of August, 2009, that the County Administrator be and hereby is authorized to advertise for a public hearing to be held on September 15, 2009 to allow for presentation and public comment for the purpose of amending and reordaining Stafford County Code, Section 1-12, entitled "Assessment for Law Library as Part of Costs in Civil Actions".