

13. COURTHOUSE SECURITY IMPROVEMENTS

As directed last month, I've included this item for additional discussion. The objective, at this point, is simply to reach consensus on the plan for security improvements in order for the architect to proceed with development of the drawings, specifications and bid documents.

Based on your April 16 work session, it appeared to me that there was general consensus for the overall plan presented by PMA, subject to a structuring of the bid documents that will facilitate acceptance or rejection of certain elements of the plan, based upon their actual cost. Specifically, I noted that you'd like the costs for the parking lot improvements, enclosure of the area beneath the colonnade that will function as an airlock, and installation of the generator priced separately, after which you can determine whether or not to include them in the project. If you're interested in pricing the generator, the architect's contract will need to be amended to provide for the design – there was no discussion of this when the fee was negotiated last October – Mr. Stodghill will be forwarding that to me prior to Monday evening.

A question was raised at the work session regarding the City of Franklin's financial participation in the project. Because we share the Circuit Court and two constitutional officers (Clerk of the Court and Commonwealth's Attorney) located in the facility, the City shares in the facility's operational and capital costs. The space that we share with the City equates to 71.77% of the building footprint (roughly everything but the areas utilized by District Court). The City's pro-rata share of costs within that shared space is based on its proportion of the population of the City and County added together (they account for 31.66% of the total population based on 2012 population estimates). So, generally speaking, the City will be responsible for roughly 23% of the cost of this project (total cost times 71.77% times 31.66%). I've informed the City Manager, and it was discussed at the most recent Shared Services committee meeting last week.

Finally, you may wish to consider making an application to the Virginia Department of General Services (VDGS), pursuant to § 17-281 (C) of the Code of Virginia, for special authority to assess an additional sum of \$3 on each civil action, and each criminal and traffic case which could be used as a revenue stream to service any debt associated with the project. If approved, this fee is estimated to generate approximately \$34,500 annually. In order to qualify for authority to impose this special assessment, you must file an application with the VDGS for a certificate of noncompliance that, once certified by them, is filed with Supreme Court of Virginia. A copy of the statute is attached for your reference.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to direct the architect to proceed with development of the construction drawings, specifications and bidding documents. I'm also seeking your direction in determining whether to make an application to the Virginia Department of General Services for a certificate of noncompliance.

§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.

A. Any county or city, through its governing body, may assess a sum not in excess of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

B. The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

C. Any county or city which, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum not in excess of three dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less. Any locality which applies for certification from the Department under this subsection shall reimburse the Department for the actual costs incurred by the Department in complying with the certification request.

D. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city, and held by such treasurer subject to disbursements by the governing body solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse.

E. The assessments provided for herein shall be in addition to any other fees prescribed by law. The assessments shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring their payment.

(1990, c. 543, § 14.1-133.2; 1991, c. 689; 1992, cc. 698, 863; 1998, c. [872](#); 1999, c. [9](#); 2002, c. [831](#); 2009, cc. [814](#), [857](#).)