

John R. Riley, Jr.
County Administrator

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MEMORANDUM

TO: Code & Ordinance Committee
FROM: John R. Riley, Jr., County Administrator
DATE: August 19, 2014
RE: Code & Ordinance Committee Meeting

There will be a meeting of the Code & Ordinance Committee on **Monday, August 25, 2014, 3:00 P.M., Closed Session Room**, County Administration Building, 107 North Kent Street. The following will be discussed:

1. Discussion of Proposed Amendments to Chapter 155, Taxation, Proposed Court Fee Ordinances: **(See Attached Memo)**
 - a. Assessment for Electronic Summons System. **(See Attached)**
 - b. Lists of Heirs, Affidavits Relating to Real Estate of Intestate Decedents. **(See Attached)**
2. Such other business as may come before the committee.

JRR/tjp

Attachments

cc: Kris C. Tierney, Assistant County Administrator
Becky P. Hogan, Clerk, Circuit Court
Brenda L. Vance, Clerk, General District Court
Ann B. Lloyd, Juvenile & Domestic Relations Court
Ross P. Spicer, Commonwealth's Attorney
C. William Orndoff, Jr., Treasurer

Sheriff Robert T. Williamson
Cheryl B. Shiffler, Finance Director
Board of Supervisors
WINC
Winchester Star
Northern Virginia Daily

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COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
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rwillia@fcva.us

MEMORANDUM

TO: Code & Ordinance Committee

FROM: Roderick B. Williams
County Attorney

DATE: August 1, 2014

RE: Proposed Court Fee Ordinances:
1) Assessment for Electronic Summons System
2) Lists of Heirs; Affidavits Relating to Real Estate of Intestate Decedents

Attached please find two proposed ordinances, addressing the above matters. Both ordinances implement enabling legislation that permits the courts to impose certain fees.

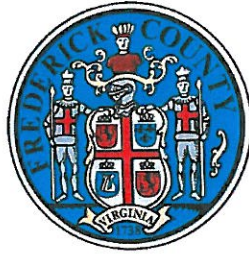
The first item results from legislation enacted by the 2014 General Assembly as § 17.1-279.1 of the Code of Virginia (copy attached). The legislation permits the imposition of a \$5 fee per case in all criminal and traffic cases resulting in a conviction. The \$5 fee would be retained locally, for use by the Sheriff to pay for costs of implementation and maintenance of an electronic summons system. Such a system would permit Sheriff's Deputies to print out summonses on location, with the possibility of some data being downloaded directly to the summons form, and also to submit the summons information electronically to the appropriate court. At present, Sheriff's Deputies must handwrite summonses and the Sheriff's Office must then forward one copy of every summons to the appropriate court, for manual processing by the court.

The second item results from legislation enacted by the 2010 General Assembly as § 58.1-1717.1 of the Code of Virginia (copy attached). The legislation permits the imposition of a \$25 fee by the Clerk of Circuit Court for each list of heirs or affidavit relating to real estate filed in probate cases in which the decedent did not leave a will. At present, in each probate case in which the decedent leaves a will, the Clerk collects a local probate tax of 1/3 of 0.1% of the value of the estate (estates valued at \$15,000 or less are exempt). In an instance in which a

decedent does not leave a will, however, absent enactment of the draft ordinance, the estate is not subject to any similar tax. The draft ordinance would represent an effort to treat estates with wills and estates without wills more equitably.

Attachments

cc: John R. Riley, Jr., County Administrator
Rebecca P. Hogan, Clerk of the Circuit Court
Brenda L. Vance, Clerk of the General District Court
Ann B. Lloyd, Clerk of the Juvenile & Domestic Relations District Court
Robert T. Williamson, Sheriff
Ross P. Spicer, Commonwealth's Attorney
C. William Orndoff, Jr., Treasurer
Cheryl B. Shiffler, Finance Director



ORDINANCE
_____, 2014

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article XII (Assessment for Electronic Summons System) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, enacted, to read as follows and to take effect immediately:

CHAPTER 155 TAXATION

Article XII Assessment for Electronic Summons System

155-47 Assessment of costs in criminal and traffic cases for the costs of an electronic summons system

Pursuant to § 17.1-279.1 of the Code of Virginia, 1950, as amended, there is hereby assessed a fee of \$5.00 as part of the costs in each criminal or traffic case in either one of the district courts or the circuit court of the County of Frederick and which results in conviction of violation of any statute or ordinance. The clerk of the court in which the case is heard shall collect these assessments and remit them to the Treasurer of the Frederick County. The Treasurer shall hold the funds subject to disbursements by the Board of Supervisors to the Sheriff of Frederick County solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Enacted this ____ day of ____, 2014.

Richard C. Shickle, Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Christopher E. Collins _____

Gene E. Fisher _____

Charles S. DeHaven, Jr. _____

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

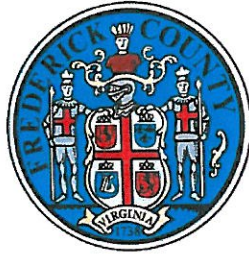
[suby](#) | [qh/w](#)

§ 17.1-279.1. Additional assessment for electronic summons system.

Any county or city, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located within its boundaries in which the defendant is charged with a violation of any statute or ordinance. 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 to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

(2014, c. [658](#).)

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ORDINANCE

___, 2014

The Board of Supervisors of Frederick County, Virginia hereby ordains that Article VI (Probate of Wills; Grants of Administration) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia be, and the same hereby is, amended by enacting an amended Article VI (Probate of Wills; Grants of Administration; Lists of Heirs; Affidavits Relating to Real Estate of Intestate Decedents) of Chapter 155 (Taxation) of the Code of Frederick County, Virginia, as follows and to take effect immediately (additions are shown in **bold underline**):

CHAPTER 155 TAXATION

ARTICLE VI Probate of Wills; Grants of Administration; Lists of Heirs; Affidavits Relating to Real Estate of Intestate Decedents

§ 155-29 Tax imposed.

- A.** There is hereby imposed a County tax on the probate of every will or grant of administration in an amount equal to 1/3 of the amount of the state tax on such probate of a will or grant of administration.
- B. There is hereby imposed a County tax of \$25 for the recordation of a list of heirs pursuant to § 64.2-509 of the Code of Virginia, 1950, as amended, or an affidavit pursuant to § 64.2-510 of the Code of Virginia, 1950, as amended, as provided in § 58.1-1717.1 of the Code of Virginia, 1950, as amended.**

§ 155-30. Disposition of taxes collected.

The Clerk of the Circuit Court of the County collecting the tax imposed under § 155-29 shall pay the same into the treasury of the County.

Enacted this _____ day of _____, 2014.

Richard C. Shickle, Chairman _____

Gary A. Lofton _____

Robert A. Hess _____

Robert W. Wells _____

Christopher E. Collins _____

Gene E. Fisher _____

Charles S. DeHaven, Jr. _____

A COPY ATTEST

John R. Riley, Jr.
Frederick County Administrator

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§ 58.1-1717.1. Tax in lieu of probate tax.

A \$25 fee is hereby charged on the recordation of a list of heirs pursuant to § [9715083<](#) or an affidavit pursuant to § [97150843](#) unless a will has been probated for the decedent or there has been a grant of administration on the decedent's estate.

(2010, c. [599](#).)

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