

**AN ORDINANCE TO AMEND SUBPARAGRAPH D OF THE ORDINANCE
RELATING TO THE SECURITY OF THE RUSSELL COUNTY COURTHOUSE IN
RUSSELL COUNTY, VIRGINIA, TO INCREASE THE COURT HOUSE SECURITY
FEE REQUIRED OF PERSONS CONVICTED OF CRIMINAL AND TRAFFIC
OFFENSES**

WHEREAS, the General Assembly of the Commonwealth of Virginia amended Virginia Code section 53.1-120, effective July 1, 2007, to increase the allowable fee to fund court house security so that any county or city, through its governing body, may assess a fee not in excess of ten dollars (\$10.00) for the purpose of funding the expenses of court house security as part of the costs in each case in its district or circuit court in which the defendant is convicted of a violation of any criminal or traffic statute or ordinance; and

WHEREAS, the Russell County Board of Supervisors adopted the Russell County Ordinance §53.1-120, effective June 3, 2002, to establish a fee in the amount of five dollars (\$5.00), in accordance with Virginia, with the fee stated in Subparagraph D of said Ordinance; and

WHEREAS, the Sheriff of Russell County, Virginia, has recommended to the Board of Supervisors of Russell County, Virginia, that it amend the local ordinance consistent with Senate Bill 1082 to increase the court house security fee ten dollars (\$10.00); and

WHEREAS, the Board of Supervisors of Russell County finds it in the best interests of the public health, safety, and welfare to act in accordance with the recommendation of the Sheriff and the acts of the General Assembly;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Russell County, Virginia, after notice and public hearing, as required by law:

1. That Subparagraph (D) of said Ordinance be amended, as set forth below:

SUBPARAGRAPH (D)

D. In each criminal or traffic case in the General District Court of Russell County, Virginia, Juvenile and Domestic Relations Court of Russell County, Virginia and Circuit Court of Russell County, Virginia in which the defendant is convicted of a violation of any statute or ordinance the Clerk of the court where the case was heard shall assess a sum in the amount of Ten (\$10.00) Dollars as part of the costs of the proceeding.

The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted, at least once each month, to the Treasurer of Russell County, Virginia and held by the Treasurer subject to appropriation by the Russell County Board of Supervisors to the Sheriff of Russell County, Virginia for the sole and exclusive funding of courthouse security personnel.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance.
3. That this ordinance shall become effective October 16, 2007.

The vote on the motion to adopt the foregoing ordinance was as follows:

Mr. McGlothlin Aye Mr. Puckett Aye

Mr. Brown Aye Mr. Keene Aye

Mr. Maples Aye Mr. Wampler Aye

Enacted this the 4TH Day of September, 2007, by the Russell County Board of Supervisors.

APPROVED

Bill Wampler
CARTER MCGLOTHLIN
CLARENCE E. BALL
RALPH MAPLES
ROBERT J. KEENE
DANNY BROWN
Mike Tuckett

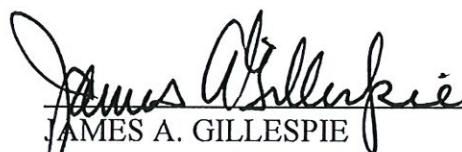
	<u>AYES</u>	<u>Nays</u>	<u>Absent</u>
Bill Wampler	✓	—	—
CARTER MCGLOTHLIN	✓	—	—
CLARENCE E. BALL	✓	—	—
RALPH MAPLES	✓	—	—
ROBERT J. KEENE	✓	—	—
DANNY BROWN	✓	—	—
Mike Tuckett	✓	—	—

CERTIFICATE

The undersigned Clerk of the Board of Supervisors, Russell County, Virginia, certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the Affirmative vote of a majority of the Board of Supervisors present at a public meeting duly called and held on September 4, 2007, at which meeting a quorum was present and acting throughout.

Dated: Sept. 4, 2007

SEAL



JAMES A. GILLESPIE
Clerk, Board of Supervisors, of
Russell County, Virginia

AN AMENDED ORDINANCE RELATING TO THE SECURITY OF THE RUSSELL COUNTY COURTHOUSE AND COURTROOMS UNDER THE JURISDICTION OF THE RUSSELL COUNTY SHERIFF'S DEPARTMENT; AS PROVIDED BY SECTION §53.1-120 CODE OF VIRGINIA, 1950

Be it enacted by the Russell County Board of Supervisors:

1. That Russell County Ordinance §53.1-120 is enacted as follows:

A. That the Sheriff of Russell County, Virginia shall ensure that the courthouse and the courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. A list of such designations shall be forwarded to the Director of the Department of Criminal Justice Services.

B. The chief circuit court judge, the chief general district court judge and the chief juvenile and domestic relations district court judge shall be responsible by agreement with the Sheriff of Russell County, Virginia for the designation of courtroom security deputies for their respective courts. If the respective chief judges and Sheriff are unable to agree on the number, type, and working schedules of courtroom security deputies for the court, the matter shall be referred to the Compensation Board for resolution in accordance with existing budgeted funds and personnel.

C. The Sheriff of Russell County, Virginia shall have the sole responsibility for the identity of the deputies designated for courtroom security.

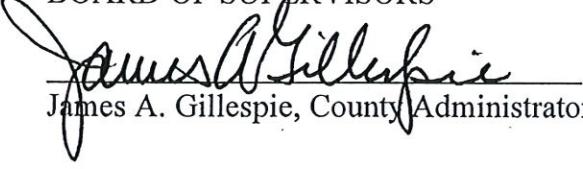
D. In each criminal or traffic case in the General District Court of Russell County, Virginia, Juvenile and Domestic Relations Court of Russell County, Virginia and, Circuit Court of Russell County, Virginia in which the defendant is convicted of a violation of any statute or ordinance the Clerk of the court where the case was heard shall assess a sum in the amount of Ten (\$10.00) Dollars as part of the costs of the proceeding.

The assessment shall be collected by the clerk of the court in which the case is heard and shall be remitted, at least once each month, to the Treasurer of Russell County, Virginia and held by the Treasurer subject to appropriation by the Russell County Board of Supervisors to the Sheriff of Russell County, Virginia for the sole and exclusive funding of courthouse security personnel.

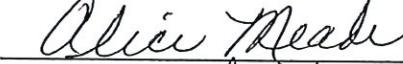
F. The effective dates of the assessments set forth in subparagraph D of this Ordinance shall be July 1, 2007 through July 1, 2009.

I hereby certify that the foregoing is a true and exact copy of the amended Ordinance and the record of motion and vote to adopt said ordinance as recorded in the Minutes of the Meeting of the Russell County Board of Supervisors held on Tuesday, September 4, 2007.

RUSSELL COUNTY
BOARD OF SUPERVISORS


James A. Gillespie, County Administrator

ATTEST:


Alice Meade, Deputy Clerk
Asst. Co. Adm.

VIRGINIA:

At a meeting of the Russell County, Virginia Board of Supervisors held Tuesday, September 4, 2007, at 7:00 P.M., at the County Administration Building in Lebanon, Virginia, the following were present:

PRESENT

CARTER MCGLOTHLIN, CHAIRMAN

CLARENCE E. BALL

RALPH MAPLES

ROBERT J. KEENE

DANNY BROWN

Mike Puckett

Bill Wampler

James A. Gillespie, County Administrator

Dennis E. Jones, County Attorney

Alice Meade, Secretary

On motion of Ralph Maples, second by Mike Puckett, it was resolved to adopt the following Ordinance.

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