

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, February 13, 2023, in the public meeting room of the George D. English, Sr. Memorial Building, located at 111 Polk Street, Montross, Virginia. Those members present were Darryl E. Fisher, W. W. Hynson, Russ Culver and Timothy J. Trivett. Also present were Norm Risavi, County Administrator, Debra Whaley, Finance Director, Tamara Hackett, Budget Manager and Donna Cogswell, Executive Assistant. \*Dorothy Dickerson Tate was absent from meeting.

Inasmuch as the COVID-19 pandemic makes it unsafe to assemble in one location and maintain recommended social distancing limitations, this meeting was also made available to the public via live stream on social media.

**CALL TO ORDER**

Chairman Fisher called the meeting to order at 6:04 p.m.

**1. APPROVAL OF MINUTES**

Chairman Fisher stated that all members had received the draft minutes of the continuation of the Board Meeting on January 17, 2023 and asked if there were any additions or corrections to these minutes. If not, the Chairman asked for a motion to approve.

Upon motion by Woody Hynson, second by Russ Culver and carried unanimously the Board approved the minutes for the January 17, 2023 Board meeting.

**2. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER**

Chairman Fisher noted all members had received a copy of the January 2023 accounts payable list and payroll register for their review and asked if there were any questions. If not the Chairman asked for a motion to approve.

Upon motion by Russ Culver, second by Woody Hynson and carried unanimously the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of January 2023.

**3. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS**

Belinda Johnson, Interim Social Services Director, was recognized to present to the Board for consideration funds received from the State in May 2022 that Department of Social Services (“DSS”) did not get appropriated into their budget; therefore, this is needed so the County budget is in line with the State budget. This includes five assistance programs within DSS and 917 is already in the budget, so no local funds needed.

On motion by Russ Culver, second by Woody Hynson and carried unanimously with Woody Hynson, Russ Culver, Tim Trivett and Chairman Fisher voting "aye". The Board approved the appropriation for DSS appropriation, as discussed. \*Dorothy Dickerson Tate was absent for vote.

4. PLACID BAY

Mr. Risavi began by informing the Board that David Czako was supposed to be present but had a last minute obligation and he could not attend the meeting. Dave Taylor, Engineering Specialist, was recognized to present the information and discuss the Resolution and motion.

Dave Taylor began his discussion first by going over the specifics regarding the Resolution. He stated that it speaks to the problem that the community is having in trying to "police" the builders who are not paying attention to the proper road building practices when they build a home. Mr. Taylor stated that many of these roads are not VDOT roads, they are gravel roads at best and the builders come in assuming these roads will be taken care of by the Sanitation District or County which is not the case. The Resolution is designed to take care of this problem and alert County staff when a builder is getting ready to build a house so the County can address these issue before building begins.

Mr. Risavi stated the builders are going on roads in Placid Bay that actually don't exist and assume the Sanitation District or County will pave these roads as soon as the houses are completed. Mr. Risavi reminded the Board that the County had a meeting with the Placid Bay Sanitation District and they were given two options for financing; first option was pay as you go program; and second option was a bond issue and do everything at one time. The Sanitation District opted to pay as you go. The POA and the Road Committee prepared a plan of action to address the roads in specific order which did not account for new construction of these roads. There are two ways to do this; first is revenue sharing funds are split to get specific roads into the system so they are no longer a burden to the Sanitary District; second, if roads do not meet VDOT criteria for entry into the revenue sharing program, the association would have to pay to build and maintain these roads. Mr. Risavi said with this Resolution the Land Use office will notify individuals when they buy a lot that the property is in an area where there is no expectations the roads will be addressed immediately.

Mr. Risavi then moved onto the second motion regarding the road drainage issue in Placid Bay Estates. He stated that some of the contractors are not even putting in the proper

drainage pipe and sometimes just throwing in gravel and no pipe. The County would like to grant the building official and Land Use Administrator the ability to issue a "Stop Work Order" until the proper drainage pipe is installed. Otherwise, it makes it very expensive for the residents to fix these problems at a later time. The builder is required to meet a specific standard regarding road drainage and if they do not a Stop Work Order will be issued until that standard is met.

Mr. Taylor also agreed with Mr. Risavi's explanation and added that the residents only have their covenants to refer to but this Resolution would provide some additional standards and give the residents something to fall back on.

Russ Culver stated this would be very costly even under revenue sharing. Also, he noted VDOT requires three (3) homes on a road to even be considered.

Woody Hynson asked if the Placid Bay Association feels comfortable with the Resolution. Mr. Risavi said David Czako is the POA and he brought this issue to the County and asked for assistance.

Mr. Trivett asked if VDOT is aware, Mr. Risavi stated they were at the meeting. Mr. Beale said he is aware of the situation but hasn't reviewed the Resolution. Mr. Beale came up reviewed and approved the Resolution.

With no further questions, Chairman asked the Board for a motion.

On motion by Woody Hynson, second by Russ Culver and carried unanimously with Tim Trivett, Russ Culver, Woody Hynson and Chairman Fisher voting "aye". The Board approved the motion that relates to Placid Bay Estates road drainage matter.

\*Dorothy Dickerson Tate was absent for vote.

On motion by Russ Culver, second by Woody Hynson and carried unanimously with Woody Hynson, Russ Culver, Tim Trivett and Chairman Fisher voting "aye". The Board approved the Resolution that relates to Placid Bay Sanitary District Road Improvements.

\*Dorothy Dickerson Tate was absent for vote.

**\*\* NEXT PAGE – MOTION & RESOLUTION \*\***

DARRYL E. FISHER, CHAIRMAN  
ELECTION DISTRICT NO. 1  
HAGUE, VIRGINIA 22469

W. W. HYNSON, VICE CHAIRMAN  
ELECTION DISTRICT NO. 4  
COLONIAL BEACH, VIRGINIA 22443

RUSS CULVER  
ELECTION DISTRICT NO. 2  
MONTROSS, VIRGINIA 22520

DOROTHY DICKERSON TATE  
ELECTION DISTRICT NO. 3  
MONTROSS, VIRGINIA 22520

TIMOTHY J. TRIVETT  
ELECTION DISTRICT NO. 5  
COLONIAL BEACH, VIRGINIA 22443



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WESTMORELAND COUNTY, VIRGINIA

*Board of Supervisors*

MONTROSS, VIRGINIA 22520-1000

**MOTION – PLACID BAY ESTATES  
REGULAR BOARD MEETING (2/13/23)**

At a regular meeting of the Westmoreland County Board of Supervisors on February 13, 2023, on the matter of Placid Bay Estates road drainage – The Board agrees to have Land Use Staff inform home builders and lot owners making improvements to homes in the Placid Bay Estates Subdivision that roads serving new homes shall be constructed to provide proper ingress and egress to the homes along with proper ditches, driveways, driveways with culverts no smaller than 12" in diameter, length longer than the intended path of travel and proper pipe slope to convey ditched storm water to proper discharge points (no flatter than ¼" per foot). Also, roads and culverts are to be constructed up to community standards.

In the event these road and drainage provisions are not followed, the lot number, property owner and builder's name will be reported to Westmoreland County and the County may issue a Stop Work Order on the building of the home or home improvement. The Stop Work Order will remain in effect until the defects in roadway construction are addressed to the satisfaction of the County.

On this matter there was a motion by Woody Hynson and second Russ Culver; and voting was as follows:

Darryl Fisher	<u>"aye"</u>
Timothy Trivett	<u>"aye"</u>
Dorothy Dickerson Tate	<u>absent</u>
W.W. Hynson	<u>"aye"</u>
Russ Culver	<u>"aye"</u>

DARRYL E. FISHER, CHAIRMAN  
ELECTION DISTRICT NO. 1  
HAGUE, VIRGINIA 22409

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WESTMORELAND COUNTY, VIRGINIA

*Board of Supervisors*

MONTROSS, VIRGINIA 22520-1000

**RESOLUTION**  
**PLACID BAY SANITARY DISTRICT**  
**ROAD IMPROVEMENT PLAN**

**WHEREAS**, the residents of Placid Bay Subdivision petitioned the Circuit Court for the creation of a Sanitary District in effort to upgrade the roads within the subdivision and participate in the Commonwealth of Virginia's Revenue Sharing Program to receive matching funds and transfer such roads into the VDOT system. This effort has resulted in significant improvements by both improving roads being accepted into the state system and local maintenance improvements to roads not yet pending submission to the Revenue Sharing Program.

**WHEREAS**, the Board of Supervisors acting in its role as the governing body for the Sanitary District and closely working with the Placid Bay Civic Association Board of Directors and their Roads Committee have developed a long term plan to improve all roads meeting VDOT standards and transfer them to the state system. There are many roads needing improvements and require significant funding to meet these needs. The pay-as-you go approach was the preferred option of the residents rather than providing a bond to complete the entire roads not in the State system. There are many roads that do not meet VDOT requirements to be brought into the State system and would be excluded.

**WHEREAS**, the road user fee imposed can only handle a limited number of projects for completion annually. The primary objective of the Placid Bay Sanitary District is to expend funds for roads that impact the most residents and traffic on a pay-as-you go basis.

**WHEREAS**, a significant amount of development is occurring in this subdivision on designated roads that were never developed and the expectation of the purchaser(s) is the Sanitary District will immediately install a passable road. The costs to install such roads are well beyond the revenue capacity of the Sanitary District and would impair the maintenance and Revenue Sharing Program of the existing plan.

**NOW THEREFORE, in our capacity as the Placid Bay Sanitary District Boards, we direct our Land Use Staff to notify all persons constructing homes on such roads that immediate upgrades will not be completed by the Sanitary District outside of the road development plan submitted to us by the Placid Bay Civic Association.**

**Adopted this 13<sup>th</sup> day of February, 2023**

*Darryl E. Fisher*

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**Darryl E. Fisher, Chairman  
Westmoreland County Board of Supervisors**

5. MOBILE INTEGRATED HEALTH PROGRAM UPDATE - Tiffiny Bounds & Blake Byrd

Blake Byrd was recognized and briefly described where we started and where we are at regarding the MIH Program. Blake then introduced Tiffiny Bounds, who is the Program Coordinator for the Westmoreland County MIH Program. Ms. Bounds stated that when she came into the role as Program Coordinator for the MIH Program their original goal was to begin seeing patients in January 2023. Because of the demand for such a program they began seeing patients and started receiving referrals internally at the end of October 2022. Ms. Bounds noted that Westmoreland County is a pioneer in this area of Mobile Integrated Health Program services. Ms. Bounds has already been asked to work with two other localities to help them get their program off the ground and running.

Ms. Bounds explained that MIH is basically resource management and patient education in a nutshell. The focus is connecting at risk citizens with the resources that are available to them to help them thrive and improve their quality of life. For example, a patient who is a newly diagnosed diabetic, they would go in and show them how to take their medication, as well as, discuss the foods they should be eating and help them set up appointments with the correct doctors. Also, they have repeat patients who call 911 many times. They come in and try to find out the root of the real issue for the repeat calls. They work with the patient to help them get the care they need and assist them to find the resources they need. Also, they address the opioid and mental health crisis, noting there has been a significant increase with opioid abuse. In these situations, they assist the individuals in getting the help they need as quick as possible. Since December they have become a health reduction partner with the state which allows them to carry and distribute Narcan (leave behind kits) at the scene of an overdose. Within the first 24 hours of having this resource a kit was distributed which shows the need for this program.

In January, a committee was formed in partnership with stakeholders which include Bay Aging, Social Services, VCU, Health Community Services Board and Law Enforcement. Tiffany stated they meet monthly to discuss the issues and work as a team to come up with solutions.

Tiffiny then asked if there were any questions.

Tim Trivett asked if this was done with a grant. Blake said yes, they went live in August 2022 and the grant is for three (3) full years.

Chairman Fisher wanted to thank EMS and Law Enforcement regarding assistance today with a family member that suffers with dementia and they thought she was missing. EMS and Law Enforcement had already responded when he was notified. He is so grateful for their service. On behalf of the Chairman's family he wanted to give a great big thank you to everyone.

6. TOWN OF COLONIAL BEACH/CORRESPONDENCE

India Adams Jacobs, Town Manager for Town of Colonial Beach, was recognized and presented the following:

- Thank you to Chairman Fisher, Vice Chairman Trivett and Dorothy Dickerson Tate for attending and speaking at the MLK event at the Baptist Church in January.
- Thank you to all who attended the CBVRS Installation Banquet.
- Strategic Planning Retreat for 2023-2024 and council adopted most recent strategic action plan last year; based on those recommendations and priorities the action plan will be updated.
- Sip N Stroll next event will be Art Walk March 10<sup>th</sup> and St. Patrick's Day March 17<sup>th</sup>
- Thank you to Norm Risavi for helping Diane Beyer, Director of Public Works update the sewer fees which has not been done in several years.

7. TOWN OF MONTROSS/CORRESPONDENCE

NO ONE ATTENDED FOR TOWN.

8. VIRGINIA DEPARTMENT OF TRANSPORTATION

David Beale, Resident Engineer, was present on behalf of the Virginia Department of Transportation and reviewed the Monthly Report with the Board. Mr. Beale then asked the Board if the Secondary Six Year Plan could be put on the agenda in April for review and then hold a public hearing in May. That was agreed to by the Board.

Mr. Beale completed report review and opened up the floor for questions.

Russ Culver stated in Glebe/Cabin Point there are quite a few new homes. On Erica Drive there are 7 new homes and it is hard to get down Erica Drive because of all the potholes. Could this be addressed? Mr. Beale said they would look into this.

Woody Hynson stated this is in Ms. Tate's district but he received the call - on Meadow Lane (Oak Grove & farmer's market on the right) the motor grader is only going half way down



that road, could the grader go down the entire stretch of road. Mr. Beale said he would look into this.

Woody Hynson then explained the Westmoreland Civic Association is having a meeting on the 15<sup>th</sup> at 6:30pm and he was asked to attend but they have not contacted VDOT to also attend. Mr. Hynson asked Mr. Beale if it was possible for someone from VDOT to also attend the meeting just in case there were questions asked he couldn't answer. Mr. Beale stated that he has been in contact with the Civic Association President and answered all the questions presented. Mr. Beale stated has a conflict but will call Mr. Hynson in the morning to see what he can do.

**\*SEE REPORT ON NEXT PAGE\***



Westmoreland County Board of Supervisors  
February 2023 VDOT Report

**Maintenance Activity Highlights**

Completed:

- Shoulder repairs on Rt 202 & 3
- Grading gravel roads countywide
- Litter removal (Waverly Rd, Twiford Rd, Beales Mill Rd, Nomini Grove Rd, Erica Rd)
- Brush cutting (Nomini Hall Rd & Weldons Dr, Monroe Bay Circle)
- Patch potholes countywide
- Address work orders countywide

Upcoming:

- Repair stormwater basins Rt 3 (two more)
- Patch potholes countywide
- Grade gravel roads countywide
- Shoulder repair Rt 205, Stoney Knoll Rd
- Sign repairs countywide
- Ditch cleaning Rt 618, Drum Bay Rd
- Address work orders countywide

**Pavement Schedule**

Plant Mix

Rt 664, Bowie Rd (Rt 3 to Breezewood Dr)  
Rt 205, James Monroe Hwy (KG County line to Rt 3)  
Rt. 205Y, Colonial Ave (Rt 205 to End State Maintenance)

Surface Treatment

Rt 600 Neenah Rd	Rt 603 Mulberry Ln	Rt 616 Tavern Run Rd
Rt 617 Gardy's Mill Rd	Rt 619 Chestnut Level Ln	Rt 621 Nomini Grove Rd
Rt 623 Finchs Hill Rd	Rt 627 Pierce Ln	Rt 628 Stoney Knoll Rd
Rt 629 Round Hill Rd	Rt 640 Grants Hill Ch Rd	Rt 644 Wild Sally Rd
Rt 658 Monroe Bay Cir	Rt 668 Taylor Town Rd	Rt 670 Griffith Corner
Rt 677 Ephesus Church Rd	Rt 691 Northernmost Rd	Rt 695 Edge Hill Rd
Rt 698 Grainery Rd	Rt 699 Pratts Pl	Rt 702 Tate Town Rd
Rt 706 Worrell Ln	Rt 713 Twilight Ln	Rt 714 Waughtel Dr
Rt 716 Lynch Point Rd	Rt 720 Johnson Town Rd	Rt 729 Springfield Beach Rd
Rt 765 Whitehall Rd	Rt 1050 Beulah Ln	

## Construction Projects

### SSYP:

Rt 735 Grannys Bar Rd; Summer 2025    Rt 652 Charles Way; Summer 2025  
Rt 685 Ashbury Rd; Summer 2027

### Revenue Sharing:

Egret Ct; Summer 2023	Anchor Ct; Summer 2023
Deux Rue; Summer 2025	Holly Way Ph III; Summer 2025
Hickory Ln; Summer 2025	Birch Ln; Summer 2025
Woodmount Dr; Summer 2025	Pinewood Ln; Summer 2025
Lakeview Ln; Summer 2025	

### Bridge:

Rt. 621 at Tidwells Marsh (replacement): Winter 2023  
UPC 118262 Rt. 205 over Branch of Rosier Creek; Scour Repair; Spring 2023  
UPC 121539 Rt. 658 over Monroe Creek: Summer 2024

### Contacts:

*VDOT Customer Service Center: 1-800-FOR-ROAD*

David L. Beale, P.E.  
Resident Engineer  
(804) 333-7941  
[david.beale@vdot.virginia.gov](mailto:david.beale@vdot.virginia.gov)

Carter White  
Assistant Residency Administrator  
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[carter.white@vdot.virginia.gov](mailto:carter.white@vdot.virginia.gov)

Rex Reichert  
Hague Area Headquarters Superintendent  
(804) 695-8610  
[rex.reichert@vdot.virginia.gov](mailto:rex.reichert@vdot.virginia.gov)

9. OLD BUSINESS

A. REVISED RESOLUTION – OPIOID SETTLEMENT

Chief Bill Cease was present to provide an update to the Board on the Opioid Settlement. He reviewed the revised Resolution regarding language added in the fourth paragraph and stated this isn't the end of resolutions because as a new party joins the settlement a new resolution will be prepared.

Chief Cease then noted that there was a meeting on January 31<sup>st</sup> and listed all the attendees – County Administrator, Commonwealth Attorney, Representative from NNRJ, Chief Cease, Assistant Chief Byrd, Finance Director, Finance Specialist and the President of the Community Services Board to brain storm on what these funds could be use on. County will be allocated about \$55,000 this year and \$20,000 for the next three years but there are specific things each “pot” can be spent on. Grants must be submitted through the Opioid Authority and then they approve and forward on. Some ideas that were discussed, were mostly regarding recovery, education, as well as, inmates intake and re-entry programs. This is in the early stages but we are currently in a good position.

Mr. Culver asked about the “pots” of money and what are they. Mr. Risavi clarified that there are three “pots” of money, two are administered by the state, one for region, and there are others we can apply for to receive extra money. All have to be applied via grant application through the Opioid Authority.

With no further discussion, on motion by Tim Trivett, second by Woody Hynson, and carried unanimously with Russ Culver, Tim Trivett, Woody Hynson and Chairman Fisher voting “aye”. The Board approved the amended Resolution regarding the Opioid Settlement as discussed.

DARRYL E. FISHER, CHAIRMAN  
ELECTION DISTRICT NO. 1  
HAGUE, VIRGINIA 22469

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WESTMORELAND COUNTY, VIRGINIA

*Board of Supervisors*

MONTROSS, VIRGINIA 22520-1000

### **RESOLUTION**

**A RESOLUTION OF THE WESTMORELAND COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts Westmoreland County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the County's various departments and agencies; and

**WHEREAS**, Westmoreland County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Westmoreland County; and

**WHEREAS**, Westmoreland County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the County; and

**WHEREAS**, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

**WHEREAS**, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

**WHEREAS**, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that

these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

**WHEREAS**, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

**WHEREAS**, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel.

**NOW THEREFORE BE IT RESOLVED** that the Westmoreland Board of Supervisors, this 13<sup>th</sup> day of February, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County' participation in the settlements, including the required release of claims against settling entities.



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Darryl E. Fisher, Chairman  
Westmoreland County Board of Supervisors

ATTEST:



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Board of Supervisors Clerk

Approved as to Form and Legal Sufficiency:



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County Attorney

10. NEW BUSINESS

NONE

11. COUNTY ADMINISTRATOR'S COMMENTS

Mr. Risavi discussed with the Board his findings on the Law Library Fees and reviewed the contents of a memorandum that was provided to the Board of Supervisors. Mr. Risavi summarized that the Law Library Fund was previously established by the Board and ended in 2008 and the last amounts collected were between \$2,500 -\$4,000. The program at RCC ceased because the librarian that handled this retired and the current personnel did not wish to continue it. There is access to the law library system through RCC from a lap top but some portions of the law library you must physically go to the library in Fredericksburg to access because of licensing restrictions.

We received information stating that approximately 200 times per month people from Westmoreland County are accessing the law library and the charges are currently \$4.00 per civil case filed. Therefore, the County Administrator is proposing to re-implement the law library fee and the County could purchase a license for one or all the library locations in the County.

Mr. Culver asked if we can have the law library at the clerk's office. Mr. Risavi stated, no, it is usually at a library and they actually hold the license.

Mr. Risavi stated he would need to re-write the ordinance for the County Attorney to review and once finalized a public hearing would be held prior to a Board vote.

With no further discussion, on motion by Russ Culver, second by Tim Trivett and carried unanimously with all in favor. The Board approved the County Administrator to proceed with the preparation of a new ordinance for law library fees and will then come back to the Board for a public hearing and vote.

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WESTMORELAND COUNTY, VIRGINIA

*Board of Supervisors*

MONTROSS, VIRGINIA 22520-1000

**MEMORANDUM**

TO: Board of Supervisors

FROM: Norm Risavi, County Administrator *NR*

DATE: February 13, 2023

SUBJECT: Law Library Fees

We have researched the "Law Library Fund" previously established by the Board of Supervisors which appears to have ended in Fiscal Year 2008. Reviewing some old records and speaking with some individuals at the RCC library, the former librarian, who was an attorney, basically organized and maintained the law library section. Upon her retirement the remaining personnel did not wish to maintain it and the Bar Association was offered the collection to maintain. To the best of everyone's recollection they chose not to accept the books and materials.

It appears from our financial records the annual fees collected were \$2,500-\$4,000 annually at a rate of \$2 per case filed. The current code allows for \$4 per civil case filed.

An estimate received from the library staff is that the law library is accessed (online) by Westmoreland residents about 200 plus times per month. Some of their law materials can only be accessed from the central branch which would require our residents to travel to Fredericksburg to utilize. If the Board were to agree to re-implement the library fee, we could have those items licensed in one or more branches here in the county for easier access for our employees.

If the board desired to re-implement the civil case law library fee, we would have to advertise an ordinance, as was previously done for the original fee.

NR:dlc



Westmoreland Circuit Court  
Anne B. Garner, Clerk  
P. O. Box 307  
Montross, VA 22520  
804-493-0108

January 26, 2023

Norm Risavi, County Administrator  
P. O. Box 1000  
Montross, VA 22520

RE: Law Library Fee

Dear Mr. Risavi,

Thank you for your recent call regarding the collection of the Law Library Fee. Pursuant to Virginia Code 42.1-70, this fee is collected after the adoption of a local ordinance. \$4.00 is the maximum collection per civil case.

For budgeting purposes, in the past few years, the Circuit Court has filed about two hundred (200) civil cases annually that would be subject to the collection of the Law Library Fee.

Please let me know if you need additional information regarding this fee or the adoption of the ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anne B. Garner".

Anne B. Garner, Clerk

Code of Virginia  
Title 42.1. Libraries  
Chapter 4. Law Libraries

**§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.**

Any county, city, or town may, through its governing body, assess as part of the costs incident to each civil action filed in the courts located within its boundaries a sum not in excess of \$4.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed and remitted to the treasurer of such county, city, or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, and computer terminals for offsite placement to maximize access to the law library by the public and (ii) equipment for the establishment, use, and maintenance of a law library that shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services, and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for in this section 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 or any political subdivision thereof or the federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town that is the seat of the county government.

Code 1950, § 42-19.4; 1964, c. 439; 1964, Ex. Sess., c. 26; 1966, c. 225; 1970, c. 606; 1972, c. 343; 1977, c. 397; 1981, c. 48; 1982, c. 607; 1983, cc. 309, 355; 1984, c. 16; 1985, c. 381; 1988, c. 571; 2009, c. 617; 2022, c. 355.

12. PUBLIC COMMENT PERIOD

Chairman Fisher explained the procedure for addressing the Board during the public comment period with a maximum time of 3 minutes. With that the Chairman opened up the floor for public comment.

Ron Nelson, Montross – spoke of an injury to an inmate at NNRJ and his concern. He would like to make sure this will be investigated.

Tom Jeffres – spoke of an article in the Northern Neck Sentinel regarding an inmate NNRJ and his concern of treatment.

Larry Hinson – spoke to the previous speakers regarding concerns with the situation at the NNRJ and hopes this is investigated.

Robert Gulihuly – also spoke about the NNRJ, he said he applied to be a minister at the jail and has not heard anything from. He is very concerned because he believes everyone needs God.

No additional speakers came forward so Chairman Fisher closed the Public Comment Period at 7:00 p.m.

ADJOURNMENT

There being no further business to come before the Board at this time, upon motion by Woody Hynson second by Russ Culver, and carried unanimously, the Board adjourned the meeting at approximately 7:02 p.m. The Board's next regular meeting will be held on Monday, March 13, 2023 at 6:00 p.m. The meeting will be held in the public meeting room at the front entrance of the George D. English, Sr. Memorial Building.

Chairman, 