

**COLLECTIONS AND COSTS OF OPERATING THE
CIRCUIT AND GENERAL DISTRICT COURTS BY LOCALITY**

**REPORT ON AUDIT
FOR THE YEAR ENDED
JUNE 30, 2007**

APA

**Auditor of
Public Accounts**

COMMONWEALTH OF VIRGINIA

REPORT SUMMARY

This report provides a comprehensive overview of the fiscal operations of the Commonwealth's Circuit and District Courts. We have compiled this information from various sources to show both the courts' collections and their general operating expenses.

Both the Circuit and District Courts collect fines, fees, and costs for the adjudication of cases which come before the courts. In addition, the Circuit Courts record and maintain numerous official documents and, in connection with these duties, collect fees, taxes, and other funds for deposit in both the Commonwealth's and locality treasuries. The Courts also hold funds for others and amounts pending the adjudication of cases; this report does not include these amounts.

There are two recommendations for the General Assembly's consideration for improving the efficiency of the fiscal process, which are show below.

Recommendation 1:

The General Assembly may wish to consider having the Compensation Board change its method of determining the allocation of excess fees to using a base line minimum and then having the Clerk allocate the amount in excess of the baseline to both the Commonwealth and the Locality.

Recommendation 2:

The General Assembly may wish to consider amending the Code of Virginia and eliminating the commission charged by the Clerk on Commonwealth and locality collections. Further, the General Assembly may wish to direct that the District Courts deposit their collections directly in the Commonwealth or locality Treasurer, therefore increasing the opportunity for interest earnings.

- TABLE OF CONTENTS -

	<u>Pages</u>
REPORT SUMMARY	
TRANSMITTAL LETTER	1
GENERAL INFORMATION	2-7
RECOMMENDATIONS	7
SUMMARY SCHEDULE	8
NOTES TO SCHEDULES	9-16
APPENDIX:	
County of Accomack	17
County of Albemarle	18
County of Alleghany	19
City of Alexandria	20
City of Bristol	21
City of Buena Vista	22



Commonwealth of Virginia

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Walter J. Kucharski, Auditor

December 1, 2008

The Honorable Timothy M. Kaine
Governor of Virginia
State Capital
Richmond, VA

The Honorable M. Kirkland Cox
Chairman, Joint Legislative Audit
and Review Commission
General Assembly Building
Richmond, Virginia

This is our first report of the **Collections and Costs of Operating the Circuit and General District Courts by Locality** for the fiscal year ended June 30, 2007. There are 120 Circuit Courts and 200 District Courts, which represent 76 General District Courts, 74 Juvenile and Domestic Relations Courts, and 50 localities that operate a combined General District and Juvenile and Domestic Relations Court.

This report combines information from a number of sources and is heavily dependent on the Comparative Report of Local Government Revenues and Expenditures, which is not available until after the local governments have their audits. This report provides an overview of the complete fiscal operations of the Courts by locality in the Commonwealth.

The General Information section provides an explanation of the report information and includes two recommendations for the General Assembly's consideration for improving the efficiency of the fiscal process. One recommendation suggests a change in the method for calculating excess fees and the other recommendation suggests the elimination of commissions on Commonwealth and Local collections by the Clerks of the Circuit Court.

The Notes include an explanation of the sources of information in the tables. In publishing this report, we have included only the Summary Schedule and an Appendix that includes examples of individual locality schedules for three counties and three cities. Our website has a copy of this report that includes all of the individual localities (www.apa.virginia.gov)

We would appreciate your comments and suggestions concerning this report. Our ultimate objective of this report is to provide timely and useful data.

A handwritten signature in black ink that reads "Walter J. Kucharski".

Auditor of Public Accounts

WJK/wdh

General Information

Introduction

This report provides a comprehensive overview of the fiscal operations of the Commonwealth's Circuit and District Courts. We have compiled this information from various sources to show both the courts' collections and their general operating expenses.

Both the Circuit and District Courts collect fines, fees, and costs for the adjudication of cases which come before the courts. In addition, the Circuit Courts record and maintain numerous official documents and, in connection with these duties, collect fees, taxes, and other funds for deposit in both the Commonwealth's and locality treasuries. The Courts also hold funds for others and amounts pending the adjudication of cases; this report does not include these amounts.

The Commonwealth's courts operate principally by locality and receive support from the Commonwealth and the locality. Generally, the Commonwealth funds salaries and benefits, and provides computer support and training; the localities provide space, equipment, and other operating costs. Some localities also supplement the salaries and benefits of certain court employees or hire employees to work for Circuit Courts.

In addition to the Judges and Court Clerk, and other personnel, this report includes the cost of courthouse and courtroom security and process servicing provided by the Sheriff's Office. As discussed later, we have allocated these costs between the Circuit and District Courts and will need to refine this allocation in the future.

Reporting Methodology

This report uses information from the Supreme Court's Financial Management and Case Management Systems, Department of Accounts' Commonwealth Accounting and Reporting System, and the Auditor of Public Accounts' Comparative Report on Local Government Revenues and Expenditures (Comparative Report). We have used these various systems and reports to accumulate information for both Commonwealth and locality expenses to support the Courts.

In using these various systems and reports, we have had to eliminate duplicate information to ensure that we include both collections and expense information only once. We also needed to make some allocations of cost between the Circuit and District Court systems and have had to assume manpower allocations based on services rendered.

As part of our audits of the Commonwealth, the Supreme Court of Virginia, and the individual circuit and district courts, we have audited the Financial Management and Case Management Systems and the Commonwealth Accounting and Reporting System. Each locality prepares its information for the Comparative Report, and the locality's Certified Public Accounting Firm reviews the information.

Both the Circuit and District Courts receive and hold funds pending the outcome of cases, monies held in trust and other funds held in a fiduciary manner. This report does not include the

amounts that either the Circuit or District Courts hold for others. Only the fees charged by either court while pending case disposition are included in this report.

Funding Methods

While the Commonwealth and the localities share in the funding of the Circuit and District Courts, the method of funding significantly varies between the two types of courts. We will provide a brief description of the funding methods here and will later discuss some of the unique aspects of these funding methods.

In addition to sharing in the cost of operating the courts, the localities also receive a portion of the collections in both courts. The amounts localities receive from the Courts, whether Circuit or District, typically represent fines and costs assessed on cases brought against individuals under local ordinances. The localities may also receive funds arising from fees and taxes for the recording of property deeds and other transactions.

In addition, the localities receive a share of the Circuit Court collections under a calculation that is extremely difficult to follow. The calculation incorporates processes that date back to when the Circuit Courts funded their operations only from fees. This process no longer applies. We discuss this allocation of circuit court collections below in the section entitled “Excess Fees.”

Following is a general discussion of the funding of District and Circuit Courts with a brief explanation of where the collections go.

District Courts

The Supreme Court of Virginia receives a General Fund appropriation to pay for the salaries and fringe benefits of the Judges and Clerk’s staff for these courts. The Supreme Court also pays for computer support and system development costs from its appropriation; however, we did not allocate these costs to the courts.

The Commonwealth, through the Compensation Board, supplemented by locality funding, provides security to the courtrooms and courthouse. The localities provide workspace, courtrooms, and maintenance and operating costs for the facilities.

District Courts transfer an average of 83 percent of their collections to the Circuit Court for deposit with the Commonwealth, court’s locality, or town. Although District Courts now have the ability to directly deposit funds with the Commonwealth, court’s locality, or town, the practice of transferring funds is a vestige of the former Circuit Court fee system. See the discussion on Excess Fees.

Circuit Courts

The Supreme Court of Virginia receives a General Fund appropriation to pay for the salaries and fringe benefits of the Judges. The Supreme Court also pays for computer

support and system development costs from its appropriation; however, we did not allocate these costs to the courts.

The Commonwealth, through the Compensation Board, pays for the salary and fringe benefits of the Clerk of the Circuit Court and most of the staff, as well as the Sheriff's salary and fringe benefit costs for security for the courtrooms and courthouse. Some localities supplement both the Clerk's salary and those of the staff and in some cases employ individuals to compliment the Clerk's and Sheriff's staffing. The localities provide workspace, courtrooms, and maintenance and operating costs for the facilities.

Circuit Courts generally deposit their collections, not held as a fiduciary, directly with the Commonwealth, or court's locality, or town. For presentation in this report, we do not show the transfer of collections from the District Courts to the Circuit Courts as their collections, but provide for information purposes the amount of the transfers separately.

Collections

Courts do not have the authority to spend the revenues they collect. All monies collected go to the Commonwealth, court's locality, or town on a regular basis as defined by the Code of Virginia.

- Commonwealth Collections – District Courts send most Commonwealth collections to the Circuit Courts every Friday and the last day of every month. Circuit Courts send Commonwealth collections, including those monies received from the District Courts, to the state treasury.
- Local Collections – District Courts accumulate local collections and transfer them to the Circuit Courts at month end, except for the following amounts, which they send directly to the local treasurer: Courthouse Security Funds; Jail Admission Fees; Courthouse Maintenance Fees; Local Law Library Fees; and Sheriff's Fees. Circuit Courts accumulate local collections, including the monies from the District Courts, and send them to the local treasurers at month end. Therefore, local collections accumulated in the district courts in May, go to the circuit courts in June, and then go to the local treasurers in July.

Clerks' Fees

Circuit Court Clerks can statutorily charge various fees for performing certain functions. The Code of Virginia sets forth the services for which there is a fee and the amount the Clerk can charge. The "Notes to the Report" have a detailed listing of the fees, which include such items as processing marriage licenses and wills, and recording certain real property transactions.

Commission on State Collections

Circuit Court Clerks receive from the State Treasury a Commission for select Commonwealth Collections in their court, including the transfer of funds from the District Courts. The commission is 5 percent of the first \$50,000 and 3 percent of the amount in excess of \$50,000.

Clerks' Commission on Local Collections

Circuit Court Clerks receive a 5 percent commission on select local collections including the amount transferred from the District Courts. The Financial Management System calculates the commission on the amounts the Clerk is going to send each locality and records the commission in the appropriate Clerks' Fees account.

State Compensation Board Reimbursement

The Compensation Board establishes a budget for each locality's Constitutional Officers, of whom the Clerk of the Circuit Court and Sheriff are two. The Compensation Board uses this budget to allocate state resources to the Constitutional Officers. For purposes of this report, we are chiefly interested in transactions effecting Clerks of the Circuit Court and Sheriffs as their activities relate to Circuit and District Courts.

The Compensation Board has been functioning since 1934, and originally controlled the amount of fees the individual Constitutional Officers could retain to operate their offices. Since the late 1930's the Commonwealth has changed the funding of the Constitutional Officers from fees to an approved General Fund appropriation. The Circuit Court Clerks were the last Constitutional Office to shift from fees to a General Fund appropriation in 1985. In all but one locality, the locality's central accounting and payroll offices pay the Clerk's employees and bills, and the Compensation Board sends the locality a reimbursement for the state share of these expenses.

Expenses

Judicial Administration

We have included under this caption the amounts paid for by the Supreme Court of Virginia, the Compensation Board, and the locality. The Supreme Court of Virginia amount includes primarily the direct salaries and benefits paid to judges and the District Court clerk office personnel, with some funds for miscellaneous cost. The expenses under the state portion are primarily the expenses the Compensation Board reimbursed the locality, which is primarily the salaries and benefits of the Circuit Court Clerk's office. The final component is the local portion, which can include some personnel, but is typically the operating cost of the court for facilities, supplies, and other needs.

Sheriff Support

This amount is primarily the cost associated with Courthouse and Courtroom Security and process serving. The expenses are primarily salaries and benefits with some other operating cost. The amount shown includes those costs incurred by the locality including the cost reimbursed by the Compensation Board. The allocation between Circuit and District Courts uses the number of judges per locality, and we will continue to refine this allocation in the future.

Excess Fees

Prior to 1985, the Circuit Court Clerks needed to generate sufficient Clerk's Fees and other collections to pay for the cost of their Office. Clerks would deposit the collection of the fees and commissions into their Clerk's account and would pay all of the expenses of the office, such as salaries, benefits, and other approved Compensation Board budgeted and approved office costs. If the Clerk did not have sufficient collections to pay for the cost of the office, the Clerk could obtain an advance from either the Compensation Board or the locality.

At least annually, and for larger Circuit Courts more often, the Compensation Board would compare total collections with approved and incurred expenses and determine if the Clerk had collected funds in excess of the authorized Compensation Board budget. For larger Courts, the Compensation Board would use some estimate to project the excess. Because the calculation used collections and expenses paid from the Clerk's Fee Account, many commonly refer to the calculation as "Excess Fees."

If the Compensation Board determined that the Clerk had collections in excess of authorized expenses, the Compensation Board approved a disbursement of the excess to the Commonwealth and the Locality. The Commonwealth received one-third and the locality received two-thirds of the fees in excess of authorized expenses.

Since 1985, the Commonwealth changed the funding for the Clerks from a fee-based office to a General Fund operation. The Compensation Board receives sufficient General Fund monies to pay all of the authorized and budgeted costs of the Clerk's office. Under both the fee-based office approach and the current General Fund Appropriation method, a number of larger localities choose to supplement the salaries, staffing, and other costs incurred by the Clerks not included in the Compensation Board budgets.

Although the Commonwealth no longer funds the Clerk's office out of fees, two practices continue from this system, which incur unnecessary costs for both the Commonwealth and the Locality. The first practice is the calculation of the excess fee amount. This calculation is time consuming and the Compensation Board no longer has the information to verify the computation of the amount. The Compensation Board relies on the Clerk to provide the information to perform the computation. The purpose of the computation is to distribute between the Commonwealth and the locality the amounts collected in Clerk's fees beyond the Compensation Board's authorized budget for that locality. The allocation could occur more efficiently by having the Compensation Board set a base collection level for each Clerk, and the Clerk would transfer any amount above the base to the locality and the Commonwealth in accordance with the current allocation.

Recommendation 1:

The General Assembly may wish to consider having the Compensation Board change its method of determining the allocation of excess fees to using a base line minimum and then having the Clerk allocate the amount in excess of the baseline to both the Commonwealth and the Locality.

The second practice remaining involves commissions on monies collected. A significant portion of the collected amount included with excess fees comes from commissions charged by the Clerk for the handling of Commonwealth and locality collections. As an example, the District Courts transfer their collections to the Circuit Court Clerk, and the Clerk then collects a commission for depositing these collections. This process cost the Commonwealth approximately \$22.6 million in fiscal 2007.

Although the Commonwealth commission was 44.37 percent of the total excess fees allocated between the Commonwealth and Localities, the Clerks also retained collections from the locality, which totaled \$16.2 million. Since the Clerk's funding is a General Fund Appropriation rather than a fee-based office, it appears that neither the Commonwealth nor the locality benefits from having the Clerk charge a commission for depositing these funds. In addition, having the District Court deposit these funds directly with the appropriate Treasurer would increase the interest earnings of either the Commonwealth or locality.

Recommendation 2:

The General Assembly may wish to consider amending the Code of Virginia and eliminating the commission charged by the Clerk on Commonwealth and locality collections. Further, the General Assembly may wish to direct that the District Courts deposit their collections directly in the Commonwealth or locality Treasurer, therefore increasing the opportunity for interest earnings.

SUMMARY SCHEDULE

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 625,236,179	\$ 176,711,820	\$ 801,947,999
Locality	243,282,161	80,195,403	323,477,564
Town	7,980,984	7,190,951	15,171,935
Clerk's fees	67,552,382	-	67,552,382
Commissions on state	22,634,865	-	22,634,865
Gross cash collections	966,686,571	264,098,174	1,230,784,745
State Compensation Board reimbursement:			
State portion judicial administrations	48,973,012	-	48,973,012
State portion sheriff - courts	62,260,303	-	62,260,303
Total collections	1,077,919,886	264,098,174	1,342,018,060
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(33,651,529)	(112,099,510)	(145,751,039)
State portion	(48,973,012)	-	(48,973,012)
Local portion	(39,132,302)	(66,084,397)	(105,216,699)
Sheriff Support	(44,259,502)	(80,118,787)	(124,378,289)
Total expenses	(166,016,345)	(258,302,694)	(424,319,039)
Net summary before code required transfers	911,903,541	5,795,480	917,699,021
Code required transfers subject to commissions:			
State transfers from district to circuit	146,907,801	(146,907,801)	-
Locality transfers from district to circuit	65,379,664	(65,379,664)	-
Town transfers from district to circuit	7,190,951	(7,190,951)	-
Total transfers	219,478,416	(219,478,416)	-
Net collections/expenses/transfers	\$ 1,131,381,957	\$ (213,682,936)	\$ 917,699,021

Commonwealth and Locality Collections

	Local		Total
	Commonwealth	Government	
Gross cash collections	\$ 908,326,934	\$ 433,691,126	\$ 1,342,018,060
Expenses incurred	(256,984,354)	(167,334,685)	(424,319,039)
Net before excess fees	651,342,580	266,356,441	917,699,021
Addition of excess fees	17,005,446	34,010,891	51,016,337
Total collections net of expenses	\$ 668,348,026	\$ 300,367,332	\$ 968,715,358

Notes to Schedules

1. Compiling This Report

This report uses information from the Supreme Court of Virginia's Financial and Case Management Systems, Department of Accounts' Commonwealth Accounting and Reporting System, and the Auditor of Public Accounts' Comparative Report on Local Government Revenues and Expenditures (Comparative Report). We have used these various systems and reports to accumulate information in order to show both Commonwealth and locality support of the Courts.

In using these various systems, we eliminated duplicate information to ensure that we included both collections and expense information only once. We also made some allocations of costs between the circuit and district court systems and assumed a manpower allocation based on services rendered.

As part of our audits of the Commonwealth, the Supreme Court of Virginia, and the individual circuit and district courts, we have audited the Financial Management and Case Management Systems and the Commonwealth Accounting and Reporting System. Each locality prepares the information submitted for the Comparative Report, and the locality's certified public accounting firm reviews the information.

Both the Circuit and District Courts receive and hold funds pending the outcome of cases, monies held in trust, and other funds held in a fiduciary manner. This report does not include the amounts that either the Circuit or District Courts hold for others. Only the fines, fees, taxes, and other transaction charged by either court while pending recording or case disposition are in this report.

The column for District Courts includes the activity of the General District, Juvenile and Domestic Relations, and General District and Juvenile and Domestic Relations Combined Courts.

2. Commonwealth, Locality, and Town Collections

The following tables provide details by source of collections for the Commonwealth, locality, and town. The Code of Virginia defines the transactions for which the Commonwealth or the local government receives the collection.

Commonwealth

SOURCE	CIRCUIT AMOUNT	DISTRICT AMOUNT
Fire Suppression Costs*	\$ -	\$ 1,194
Virginia Outdoor Foundation Fee	834,820	-
Deed Processing Fee	15,698,298	-
Probate Tax	5,602,438	-
Grantor Tax	38,724,571	-
Grantee Tax	521,415,970	-
Writ Tax	636,763	5
Bank Interest*	7,548	116
Marriage Licenses	1,235,445	-
Concealed Weapons Permit Fee*	161,680	7,919
Technology Trust Fund	10,934,382	-
Drug Offender Assessment Fund*	1,029,814	837,429
State Interest	2,733,531	2,741,184
Fines and Bond Forfeitures	3,967,719	60,153,317
Forfeited Property/Confiscated Money	2,801	168
Process Fees	612,613	54,045,441
Costs - Commonwealth Cases	7,439,579	5,124,624
Child Restraint Device Penalty	23,605	681,796
Civil Processing Fee	284	12,584,945
Commonwealth Attorney Fee	352,339	-
Court Appointed Attorney Fee	6,994,585	6,529,310
Failure To Appear	44,248	5,177,857
Guardian Ad Litem*	42,918	880,989
Legal Aid Services*	397,047	2,994,390
Weighing Fee*	22	345
Liquidated Damages*	656	24
Littering Highways*	-	632
Safety and Health Fines	2,751	69,113
Alcohol Safety Action Program*	220	221
Driver Clinic*	15,319	121
Criminal Injuries Compensation Fund*	1,502,759	2,023,779
Blood Test	13,267	136,147
Game Replacement	1,034	78,758

SOURCE	CIRCUIT AMOUNT	DISTRICT AMOUNT
Bad Check Fees	\$ 23,207	\$ 121,713
Confiscated Money Drug Related Cases*	410	274
Time-To-Pay Management Fee*	15,764	1,177,011
Custody/Visitation Filing Fee*	50	768,118
Drug Enforcement Fee*	499,948	9,934,559
Criminal Justice Academy Fee*	70,961	1,422,515
Virginia State Library Fund	3,108,400	-
Fraudulent Student Loan	73	-
Indigent Assistance*	99,287	748,940
Petrol Fund	5	-
Credit Card Surcharge*	-	2
Commercial Fisherman Registration Penalty*	51	300
Toll Facility Civil Fine*	262	19,673
Office Of Attorney General - Appeal Fee	79	-
Court Technology Fund*	749,269	5,626,357
State Water Control Board Fund*	179	180
Jury Costs	176,863	-
Fishing Licenses	173	-
Hunting Licenses	15,593	-
Trauma Center Fund*	15,326	15,908
Temporary Boat Registration	427	-
Domestic Violence Fund*	30,826	2,806,446
Total	\$625,236,179	\$176,711,820

Locality

SOURCE	CIRCUIT AMOUNT	DISTRICT AMOUNT
Fines and Forfeitures	\$ 32,706,976	\$ 54,329,990
Local Prosecutor	13,207	4,173
Commonwealth Attorney Fee	300,637	-
Land Redemptions	426	-
Sheriff's Fee*	1,922,771	7,977,191
Delinquent Land Penalty	315	-
Delinquent Land Interest	916	-
Delinquent Land Costs	104	-
Local Jury Fees	3,693	-
Sewer Liens	2	-
Local Transfer Fees	317,076	-
Local Grantee Tax	165,429,479	-
Local Tax	848,342	-
Court Appointed Attorney	643,640	854,362
City Trial Fees	87	-
Law Library*	301,742	2,336,667
Local Grantor Tax	36,819,293	-
Court Reporter	2,871	-
Bail Fee	15	-
High Constable Fees	347	716,999
Alcohol Safety Action Program	308	-
Local Liquidation Damages	19	-
Local Blood Test	100,651	361
Jail Admissions Fee*	301,134	688,993
Detention Home Costs	750	299
Document Reproduction Cost	796,477	-
Local Commonwealth Fees	18	-
Animal Control	6,133	16,696
Local Interest	847,531	1,069,427
Local Training Academy	50,780	1,104,794
Courthouse Security Fund*	216,626	7,640,373
Non-Consecutive Jail Time	8,841	13,082

SOURCE	CIRCUIT AMOUNT	DISTRICT AMOUNT
Concealed Weapons Permit - Background Check	\$ 1,165,760	\$ 17,363
Miscellaneous	313,515	-
Courthouse Maintenance Fee*	161,679	3,424,633
Total	\$243,282,161	\$80,195,403

Town

SOURCE	CIRCUIT AMOUNT	DISTRICT AMOUNT
Town Interest	\$ 110,883	\$ 101,944
Town Costs	99,446	129,674
Town Fines	7,770,655	6,959,333
Total	\$7,980,984	\$7,190,951

Clerk's Fees

The Code of Virginia defines the instances and transactions for which the Clerks of the Circuit Court can charge a fee. The following table details a listing of amounts of the fees collected by source.

SOURCE	AMOUNT
<u>FEES:</u>	
Recording Deeds And Contract	\$34,788,847
Wills And Administration	2,248,879
Chancery	7,409
Law	5,917,684
Criminal	1,605,526
Qualifying Notaries	342,007
Judgment Docket	787,249
Marriage Licenses	613,660

SOURCE	AMOUNT
Copies	\$ 3,551,569
Court Reporter	90,223
Circuit Court Clerk	4,172,687
Filing Financing Statements	286,840
Land Assessment Appraisal	84
Register Fictitious Name	373,597
Passports	907,275
Marriages Performed	61,707
Secure Remote Access	65,139
Postage	10,565
<u>COMMISSIONS:</u>	
Hunting And Fishing Licenses	13,701
Local Deed Tax	17
Local Tax Penalty	283
Grantee Tax	8,347,578
Wills And Administration	39,037
Grantor Tax	1,877,704
Local Collections	513,678
General Receiver	15,171
<u>OTHER:</u>	
Ex-Officio Salary	135
Interest Earned	796,791
Deputy Salary Supplements Provided By Locality	36,033
Miscellaneous	81,307
Total	\$67,552,382

3. State Compensation Board Reimbursement

The Compensation Board reimburses the local governments for the Commonwealth's share of the approved budget for Constitutional Officers. The amounts above represent the reimbursements for the Circuit Court Clerks and Sheriffs' costs for process serving and courtroom security.

4. Expenses

Judicial Administrations

Judges and District Court staff salaries paid by State

- Salaries and fringe benefits paid by the Supreme Court of Virginia for judges in both the circuit and district courts and those costs for the district court clerks and other staff. The Supreme Court does not pay any of the cost of the circuit court clerks or staff.

State Portion

- The amount the Compensation Board pays for the Commonwealth portion of the salary and fringe benefits of the circuit court clerk and of their staff supported by the Commonwealth.

Local Portion

- The amount the locality reported in the Comparative Report as local payment for court operations.

Sheriff Support

Sheriffs provide security for the courthouse and courtrooms and provide process serving for both the circuit and district courts. The Compensation Board provides funding in the Sheriff's budget for courtroom security and process serving, for which it reimburses the locality. This amount represents the cost reimbursed by the Compensation Board and the actual cost reported by the locality in the Comparative Report. We have allocated the locality amount using the number of judges between circuit and district courts. We will refine this allocation in the future.

5. Code Required Transfers Subject to Commission

Section 16.1-69.48 of the Code of Virginia requires that District Courts transfer all of their collections unless specified by law to the Circuit Court Clerk. Sources marked with an asterisk under Note 2 are not subject to this transfer provision.

6. Excess Fees Commonwealth and Locality Collections

At least annually, and for larger Circuit Courts more often, the Compensation Board compares total collections with approved and incurred expenses and determines if the Clerk has collected funds in excess of the authorized Compensation Board budget. For larger Courts, the Compensation Board uses some estimates to project the excess. Because the calculation uses collections and expenses paid from the Clerk's Fee Account, many refer to the calculations as "Excess Fees."

If the Compensation Board determines that the Clerk has collections in excess of authorized expenses, the Compensation Board approves a disbursement of the excess to the Commonwealth and the Locality. The Commonwealth receives one-third and the locality receives two-thirds of the fees in excess of authorized expenses. The localities of the Cities of Newport News, Richmond, and Roanoke have elected not to participate in the excess fee calculation and retain fees.

The following Local Governments received *Excess Fees in fiscal year 2007*.

Counties				Cities
Accomack	Fairfax	Loudoun	Pulaski	Alexandria
Albemarle	Fauquier	Louisa	Roanoke	Charlottesville
Amherst	Fluvanna	Madison	Rockbridge	Chesapeake
Arlington	Franklin	Mecklenburg	Rockingham	Colonial Heights
Augusta	Frederick	Middlesex	Shenandoah	Danville
Bedford	Gloucester	Montgomery	Smyth	Fredericksburg
Botetourt	Goochland	Nelson	Southampton	Hampton
Brunswick	Greene	New Kent	Spotsylvania	Lynchburg
Buchanan	Greensville	Northampton	Stafford	Norfolk
Campbell	Hanover	Northumberland	Sussex	Portsmouth
Caroline	Henrico	Orange	Tazewell	Suffolk
Carroll	Henry	Page	Warren	Virginia Beach
Chesterfield	Isle of Wight	Pittsylvania	Washington	Waynesboro
Clarke	King George	Powhatan	Westmoreland	Williamsburg
Culpeper	King William	Prince George	Wythe	Winchester
Dinwiddie	Lancaster	Prince William	York	

7. Individual Locality Schedules

The following localities currently operate only District Courts, and are shown without a circuit court. Typically an adjoining locality's circuit court services these localities.

District Courts

City of Emporia
 City of Fairfax
 City of Franklin
 City of Falls Church
 City of Galax

8. Obtaining Report in Electronic Format

An electronic copy of this report is available on the Internet. To locate this report, access the Auditor of Public Accounts' Reports page at <http://www.apa.virginia.gov>.

Accomack

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 1,588,420	\$ 913,684	\$ 2,502,104
Locality	567,630	189,776	757,406
Town	142,060	148,282	290,342
Clerk's fees	280,278	-	280,278
Commissions on state	<u>71,405</u>	<u>-</u>	<u>71,405</u>
Gross cash collections	<u>2,649,793</u>	<u>1,251,742</u>	<u>3,901,535</u>
State Compensation Board reimbursement:			
State portion judicial administrations	264,846	-	264,846
State portion sheriff - courts	<u>450,719</u>	<u>-</u>	<u>450,719</u>
Total collections	<u>3,365,358</u>	<u>1,251,742</u>	<u>4,617,100</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(86,959)	(485,529)	(572,488)
State portion	(264,846)	-	(264,846)
Local portion	(124,792)	(135,830)	(260,622)
Sherriff Support	(146,220)	(292,439)	(438,659)
Total expenses	<u>(622,817)</u>	<u>(913,798)</u>	<u>(1,536,615)</u>
Net summary before code required transfers	<u>2,742,541</u>	<u>337,944</u>	<u>3,080,485</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	783,885	(783,885)	-
Locality transfers from district to circuit	221,401	(221,401)	-
Town transfers from district to circuit	<u>148,282</u>	<u>(148,282)</u>	<u>-</u>
Total transfers	<u>1,153,568</u>	<u>(1,153,568)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 3,896,109</u>	<u>\$ (815,624)</u>	<u>\$ 3,080,485</u>

Commonwealth and Locality Collections

	Commonwealth	Local Government	Total
	Gross cash collections	\$ 2,907,756	\$ 1,709,344
Expenses incurred	<u>(1,288,053)</u>	<u>(248,562)</u>	<u>(1,536,615)</u>
Net before excess fees	<u>1,619,703</u>	<u>1,460,782</u>	<u>3,080,485</u>
Addition of excess fees	<u>38,304</u>	<u>76,608</u>	<u>114,912</u>
Total collections net of expenses	<u>\$ 1,658,007</u>	<u>\$ 1,537,390</u>	<u>\$ 3,195,397</u>

Albemarle

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 8,536,764	\$ 1,126,870	\$ 9,663,634
Locality	2,943,532	660,720	3,604,252
Town	9,119	10,995	20,114
Clerk's fees	795,187	-	795,187
Commissions on state	274,947	-	274,947
Gross cash collections	<u>12,559,549</u>	<u>1,798,585</u>	<u>14,358,134</u>
State Compensation Board reimbursement:			
State portion judicial administrations	396,940	-	396,940
State portion sheriff - courts	572,173	-	572,173
Total collections	<u>13,528,662</u>	<u>1,798,585</u>	<u>15,327,247</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(206,569)	(833,535)	(1,040,104)
State portion	(396,940)	-	(396,940)
Local portion	300,137	(541,517)	(241,380)
Sherriff Support	(408,570)	(2,451,420)	(2,859,990)
Total expenses	<u>(711,942)</u>	<u>(3,826,472)</u>	<u>(4,538,414)</u>
Net summary before code required transfers	<u>12,816,720</u>	<u>(2,027,887)</u>	<u>10,788,833</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	909,971	(909,971)	-
Locality transfers from district to circuit	486,756	(486,756)	-
Town transfers from district to circuit	10,995	(10,995)	-
Total transfers	<u>1,407,722</u>	<u>(1,407,722)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 14,224,442</u>	<u>\$ (3,435,609)</u>	<u>\$ 10,788,833</u>

Commonwealth and Locality Collections

	Commonwealth	Local Government	Total
	Gross cash collections	\$ 10,906,288	\$ 4,420,959
Expenses incurred	<u>(2,009,217)</u>	<u>(2,529,197)</u>	<u>(4,538,414)</u>
Net before excess fees	<u>8,897,071</u>	<u>1,891,762</u>	<u>10,788,833</u>
Addition of excess fees	<u>242,510</u>	<u>485,019</u>	<u>727,529</u>
Total collections net of expenses	<u>\$ 9,139,581</u>	<u>\$ 2,376,781</u>	<u>\$ 11,516,362</u>

Alleghany

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 558,236	\$ 836,756	\$ 1,394,992
Locality	259,681	164,840	424,521
Town	50,089	54,036	104,125
Clerk's fees	138,765	-	138,765
Commissions on state	<u>37,885</u>	<u>-</u>	<u>37,885</u>
Gross cash collections	<u>1,044,656</u>	<u>1,055,632</u>	<u>2,100,288</u>
State Compensation Board reimbursement:			
State portion judicial administrations	343,086	-	343,086
State portion sheriff - courts	<u>433,746</u>	<u>-</u>	<u>433,746</u>
Total collections	<u>1,821,488</u>	<u>1,055,632</u>	<u>2,877,120</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(122,159)	(508,879)	(631,038)
State portion	(343,086)	-	(343,086)
Local portion	(92,509)	(111,174)	(203,683)
Sherriff Support	(141,645)	(283,290)	(424,935)
Total expenses	<u>(699,399)</u>	<u>(903,343)</u>	<u>(1,602,742)</u>
Net summary before code required transfers	<u>1,122,089</u>	<u>152,289</u>	<u>1,274,378</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	736,617	(736,617)	-
Locality transfers from district to circuit	146,494	(146,494)	-
Town transfers from district to circuit	<u>54,036</u>	<u>(54,036)</u>	<u>-</u>
Total transfers	<u>937,147</u>	<u>(937,147)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 2,059,236</u>	<u>\$ (784,858)</u>	<u>\$ 1,274,378</u>

Commonwealth and Locality Collections

	Commonwealth	Local Government	Total
	Gross cash collections	\$ 1,597,157	\$ 1,279,963
Expenses incurred	<u>(1,407,870)</u>	<u>(194,872)</u>	<u>(1,602,742)</u>
Net before excess fees	<u>189,287</u>	<u>1,085,091</u>	<u>1,274,378</u>
Addition of excess fees	<u>-</u>	<u>-</u>	<u>-</u>
Total collections net of expenses	<u>\$ 189,287</u>	<u>\$ 1,085,091</u>	<u>\$ 1,274,378</u>

Alexandria

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 18,473,408	\$ 1,764,591	\$ 20,237,999
Locality	7,670,207	1,418,668	9,088,875
Town	-	-	-
Clerk's fees	1,418,039	-	1,418,039
Commissions on state	<u>546,325</u>	<u>-</u>	<u>546,325</u>
Gross cash collections	<u>28,107,979</u>	<u>3,183,259</u>	<u>31,291,238</u>
State Compensation Board reimbursement:			
State portion judicial administrations	993,819	-	993,819
State portion sheriff - courts	<u>943,470</u>	<u>-</u>	<u>943,470</u>
Total collections	<u>30,045,268</u>	<u>3,183,259</u>	<u>33,228,527</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(650,352)	(1,707,451)	(2,357,803)
State portion	(993,819)	-	(993,819)
Local portion	(818,951)	(4,442,667)	(5,261,618)
Sherriff Support	<u>(2,686,681)</u>	<u>(3,582,242)</u>	<u>(6,268,923)</u>
Total expenses	<u>(5,149,803)</u>	<u>(9,732,360)</u>	<u>(14,882,163)</u>
Net summary before code required transfers	<u>24,895,465</u>	<u>(6,549,101)</u>	<u>18,346,364</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	1,429,190	(1,429,190)	-
Locality transfers from district to circuit	1,095,160	(1,095,160)	-
Town transfers from district to circuit	<u>-</u>	<u>-</u>	<u>-</u>
Total transfers	<u>2,524,350</u>	<u>(2,524,350)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 27,419,815</u>	<u>\$ (9,073,451)</u>	<u>\$ 18,346,364</u>

Commonwealth and Locality Collections

	Commonwealth	Local Government	Total
	Gross cash collections	\$ 22,640,631	\$ 10,587,896
Expenses incurred	<u>(4,295,092)</u>	<u>(10,587,071)</u>	<u>(14,882,163)</u>
Net before excess fees	<u>18,345,539</u>	<u>825</u>	<u>18,346,364</u>
Addition of excess fees	<u>360,818</u>	<u>721,635</u>	<u>1,082,453</u>
Total collections net of expenses	<u>\$ 18,706,357</u>	<u>\$ 722,460</u>	<u>\$ 19,428,817</u>

Bristol

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 796,098	\$ 765,774	\$ 1,561,872
Locality	384,981	251,135	636,116
Town	-	55	55
Clerk's fees	127,184	-	127,184
Commissions on state	<u>44,628</u>	<u>-</u>	<u>44,628</u>
Gross cash collections	<u>1,352,891</u>	<u>1,016,964</u>	<u>2,369,855</u>
State Compensation Board reimbursement:			
State portion judicial administrations	214,813	-	214,813
State portion sheriff - courts	<u>260,903</u>	<u>-</u>	<u>260,903</u>
Total collections	<u>1,828,607</u>	<u>1,016,964</u>	<u>2,845,571</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(132,505)	(446,819)	(579,324)
State portion	(214,813)	-	(214,813)
Local portion	(129,166)	(192,840)	(322,006)
Sherriff Support	(84,744)	(254,232)	(338,976)
Total expenses	<u>(561,228)</u>	<u>(893,891)</u>	<u>(1,455,119)</u>
Net summary before code required transfers	<u>1,267,379</u>	<u>123,073</u>	<u>1,390,452</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	669,895	(669,895)	-
Locality transfers from district to circuit	159,233	(159,233)	-
Town transfers from district to circuit	<u>55</u>	<u>(55)</u>	<u>-</u>
Total transfers	<u>829,183</u>	<u>(829,183)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 2,096,562</u>	<u>\$ (706,110)</u>	<u>\$ 1,390,452</u>

Commonwealth and Locality Collections

	Commonwealth	Local	Total
		Government	
Gross cash collections	\$ 1,760,897	\$ 1,084,674	\$ 2,845,571
Expenses incurred	<u>(1,055,040)</u>	<u>(400,079)</u>	<u>(1,455,119)</u>
Net before excess fees	<u>705,857</u>	<u>684,595</u>	<u>1,390,452</u>
Addition of excess fees	<u>-</u>	<u>-</u>	<u>-</u>
Total collections net of expenses	<u>\$ 705,857</u>	<u>\$ 684,595</u>	<u>\$ 1,390,452</u>

Buena Vista

	FY 2007		
	Circuit	District	Total
Collections:			
State	\$ 237,367	\$ 124,514	\$ 361,881
Locality	130,973	83,862	214,835
Town	150	158	308
Clerk's fees	46,702	-	46,702
Commissions on state	11,719	-	11,719
Gross cash collections	<u>426,911</u>	<u>208,534</u>	<u>635,445</u>
State Compensation Board reimbursement:			
State portion judicial administrations	116,812	-	116,812
State portion sheriff - courts	92,996	-	92,996
Total collections	<u>636,719</u>	<u>208,534</u>	<u>845,253</u>
Expenses:			
Judicial Administration			
Judges and district court staff salaries paid by State	(32,066)	(198,750)	(230,816)
State portion	(116,812)	-	(116,812)
Local portion	(63,060)	(52,256)	(115,316)
Sherriff Support	(74,809)	(149,618)	(224,427)
Total expenses	<u>(286,747)</u>	<u>(400,624)</u>	<u>(687,371)</u>
Net summary before code required transfers	<u>349,972</u>	<u>(192,090)</u>	<u>157,882</u>
Code required transfers subject to commissions:			
State transfers from district to circuit	106,586	(106,586)	-
Locality transfers from district to circuit	66,609	(66,609)	-
Town transfers from district to circuit	158	(158)	-
Total transfers	<u>173,353</u>	<u>(173,353)</u>	<u>-</u>
Net collections/expenses/transfers	<u>\$ 523,325</u>	<u>\$ (365,443)</u>	<u>\$ 157,882</u>

Commonwealth and Locality Collections

	Commonwealth	Local	Total
		Government	
Gross cash collections	\$ 430,196	\$ 415,057	\$ 845,253
Expenses incurred	<u>(440,624)</u>	<u>(246,747)</u>	<u>(687,371)</u>
Net before excess fees	<u>(10,428)</u>	<u>168,310</u>	<u>157,882</u>
Addition of excess fees	<u>-</u>	<u>-</u>	<u>-</u>
Total collections net of expenses	<u>\$ (10,428)</u>	<u>\$ 168,310</u>	<u>\$ 157,882</u>