



Albemarle County

Legislation Text

File #: 24-331, **Version:** 1

AGENDA DATE: 7/17/2024

TITLE:

Schedule a Public Hearing for the Cost Recovery Ordinance

SUBJECT/PROPOSAL/REQUEST: To schedule a public hearing to consider an ordinance addition in Chapter 6 to authorize cost recovery for appropriate emergency responses to a terrorism hoax incident, bomb threat, or malicious activation of a fire alarm.

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Henry, Rosenberg, Farley, Eggleston, Reeves

PRESENTER (S): Amanda Farley

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Virginia Code Section 15.2-1716.1 authorizes a locality to adopt an ordinance to recover costs of law enforcement, firefighting, and emergency medical agency response for acts committed in violation of Virginia Code Sections 18.2-46.6 (subsections B and C only); a felony violation of § 18.2-83 or § 18.2-84; or a violation of § 18.2-212 or § 18.2-461.1, if such acts are the proximate cause of the public safety response.

STRATEGIC PLAN: Mission - To enhance the well-being and quality of life for all community members through the provision of the of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: If an individual commits acts that violate the enumerated Virginia Code sections referenced above and the individual is convicted of those crimes, a local ordinance, such as proposed, would allow the County to recover some costs of the appropriate emergency response, if the commission of those particular crimes was the proximate cause of the emergency response. Virginia Code Section 15.2-1716.1 limits the recovery to \$250 per incident or a minute-by-minute aggregation of costs up to \$2500 per incident. County staff from the Department of Finance, Department of Police, and the Department of Fire and Rescue have determined that the administrative burden of minute-by-minute accounting would not result in a benefit to the County in most cases; however, a routine request for recovery at the time of an individual's sentencing would help to offset costs of emergency response. The enabling authority of Virginia Code Section 15.2-1716.1 allows recovery by request at the time of an individual's sentencing or in a separate civil suit by the County. At this time and in consideration of the limited amount of cost recovery available under the enabling legislation, pursuing a civil suit for cost recovery is objectively not an efficient use of County resources. If cost recovery is requested at an individual's sentencing, the court shall find the individual liable to the County. The Commonwealth's Attorney has been contacted to request input. The proposed ordinance is included as Attachment A. The ordinance is included in Chapter 6, creating a new Article VI and follows Article V "Emergency Medical Services Cost Recovery."

BUDGET IMPACT: If cost recovery is successful and pursued as recommended, the revenues generated will have a nominal budgetary impact.

RECOMMENDATION:

Staff recommends that the Board direct staff to schedule a public hearing to consider the adoption of the attached proposed ordinance (Attachment A).

ATTACHMENTS:

Attachment A - Proposed Ordinance