2006 Special Session I

Budget Bill - HB5012 (Chapter 2)

Bill Order » Office of Administration » Item 66

Compensation Board

Item 66	First Year - FY2005	Second Year - FY2006
Pre-Trial, Trial, and Appellate Processes (32100)	**$39,514,522**	**$46,245,586**
Financial Assistance to Circuit Court Clerks (32106)	$10,468,619	$10,476,063
Financial Assistance for Operations for Circuit Court Clerks (32108)	$17,291,525	$17,291,525
Financial Assistance for Maintenance of Local Land Records (32109)	$11,754,378	$18,477,998
Fund Sources:		
General	$34,512,177	$34,519,621
Trust and Agency	$5,002,345	$11,725,965

Authority: Title 15.2, Chapter 16, Article 6.1; §§ 51.1-706 and 51.1-137, Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. The annual salaries of clerks of circuit courts shall be as hereinafter prescribed.

MsoNormal	**July 1, 2004**	**December 1, 2004**	**December 1, 2005**
MsoNormal	**to**	**to**	**to**
MsoNormal	**November 30, 2004**	**November 30, 2005**	**June 30, 2006**
MsoNormal			
Less than 10,000	$63,027	$64,918	$67,774
10,000 to 19,999	$77,662	$79,992	$83,512
20,000-39,999	$88,918	$91,586	$95,616
40,000-69,999	$93,420	$96,223	$100,457
70,000-99,999	$101,296	$104,335	

			$108,926
	$110,302	$113,611	
100,000-174,999			$118,610
175,000-249,999	$110,302	$113,611	$122,291
250,000 and above	$117,058	$120,570	
			$125,875

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 63 A 2, the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court clerk.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A 1 through A 3 of this Item.

5. All clerks shall deposit all clerks' fees and state revenue with the State Treasurer in a manner consistent with § 2.2-806, Code of Virginia, unless otherwise provided by the Compensation Board as set forth in § 17.1-284, Code of Virginia.

B. The reports filed by each circuit court clerk pursuant to § 17.1-283, Code of Virginia, for each calendar year shall include all income derived from the performance of any office, function or duty described or authorized by the Code of Virginia whether directly or indirectly related to the office of circuit court clerk, including, by way of description and not limitation, services performed as a commissioner of accounts, receiver, or licensed agent, but excluding private services performed on a personal basis which are completely unrelated to the office. The Compensation Board may suspend the allowance for office expenses for any clerk who fails to file such reports within the time prescribed by law, or when the Board determines that such report does not comply with the provisions of this paragraph.

C. Each clerk of the circuit court shall submit to the Compensation Board a copy of the report required pursuant to § 19.2-349, Code of Virginia, at the same time that it is submitted to the Commonwealth's Attorney.

D. There is hereby reappropriated the unexpended balance remaining in this program on June 30, 2004, and June 30, 2005.

E. Included within this appropriation are Trust and Agency funds necessary to support one position to assist Circuit Court Clerks in implementing the recommendations of the Land Records Management Task Force Report dated January 1, 1998.

F. Notwithstanding the provisions of § 17.1-279 E, Code of Virginia, the Compensation Board may allocate to the clerk of any circuit court funds for the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses by such court. Any such funds allocated shall be deemed to have been expended pursuant to clause (iii) of § 17.1-279 E for the purposes of the limitation on allocations set forth in that subsection.

G. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board may allocate up to $1,489,213 the first year and $1,489,213 the second year of Technology Trust Fund moneys for operating expenses in the Clerks' offices.

H. Notwithstanding § 17.1-287, Code of Virginia, any elected official funded through this Item may elect to relinquish any portion of his state funded salary established in paragraph A 1 of this Item. In any office where the official elects this option, the Compensation Board shall ensure the amount relinquished is used to fund salaries of other office staff.

I.1. For audits of Clerks of the Circuit Court completed after July 1, 2004, the Auditor of Public Accounts shall report any internal control matter that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Auditor of Public Accounts will also report on compliance with appropriate law and other financial matters of the Clerks' office.

2. For internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability, the Clerk shall provide the Auditor of Public Accounts a written corrective action plan to any such audit findings within 10 business days of the audit exit conference, which will state what actions the clerk will take to remediate the finding. The Clerk's response may also address the other matters in the report. During the next audit, the Auditor of Public Accounts shall determine and report if the Clerk has corrected the finding related to internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.

3. Notwithstanding the provisions of Item 505, paragraphs I.2.e.1 and R.2.e.1, the Compensation Board shall not provide any salary increase to any Circuit Court Clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above.

J.1. The Compensation Board shall develop minimum criteria for a career development program for Clerks of Circuit Courts. The criteria for the program shall include initial and continuing education requirements for Clerks, the adoption of certain written administrative and human resource management policies, audit requirements, written customer service and accounting policies, and performance standards for each major duty of the office, and any other matters deemed relevant by the Compensation Board. Beginning July 1, 2006, the program shall require that the Clerk certify to the Compensation Board that the most recent audit by the Auditor of Public Accounts reported no findings of material weakness under direction of the Clerk during the Clerk's term of office or internal control shortcomings in the prior year's report during the Clerk's term of office that are repeated in the current audit report.

2. The program shall require any Clerk of the Circuit Court who desires to participate in it to certify to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board, and that his office also has a Deputy Circuit Court Clerks' Career Development plan that meets the minimum criteria established by the Compensation Board for such plans.

3. The Compensation Board shall submit the Career Development Program for Clerks of Circuit Courts to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15, 2005.

4. Notwithstanding the provisions of § 17.1-279 C, Code of Virginia, the Compensation Board may allocate funds from the technology trust fund for consulting services provided by the National Center for State Courts to assist in the development of a Career Development Program for Circuit Court Clerks.

K.1. The Compensation Board shall develop minimum criteria for a career development program for deputy Clerks of Circuit Courts. The criteria for the program shall address the selection process, minimum length of service, job performance, certification, formal education, and any other matters deemed relevant by the Compensation Board.

2. The program shall require any Clerk of the Circuit Court who desires to participate in it to certify to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board, and that his office also has a performance evaluation plan that meets the minimum criteria established by the Compensation Board for such plans.

3. The Compensation Board shall submit the Career Development Program for Deputy Clerks of Circuit Courts to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15, 2005.

4. Notwithstanding the provisions of § 17.1-279 C, Code of Virginia, the Compensation Board may allocate funds from the technology trust fund for consulting services provided by the National Center for State Courts to assist in the development of a Career Development Program for Deputy Circuit Court Clerks.

L. Upon request of the Attorney for the Commonwealth, the Clerk of the Circuit Court shall contemporaneously provide the Attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to § 19.2-298.01 (E), Code of Virginia.