

01-009

**COURTS NOT OF RECORD: JUVENILE AND DOMESTIC
RELATIONS COURTS – FACILITIES FOR DETENTION AND
OTHER RESIDENTIAL CARE.**

City of Covington must abide by charter provisions governing apportionment of costs and expenses of sheriff elected conjointly with Alleghany County, with regard to funding regional juvenile detention center that is part of sheriff's budget; may not authorize its share of operational costs of detention center to be determined separately from county under separate lease agreement.

The Honorable Malfourd W. Trumbo
Member, Senate of Virginia
February 22, 2001

You ask for guidance regarding contributions made by the City of Covington to fund a regional juvenile detention center.

You relate that the Shenandoah Valley Juvenile Detention Center operates a juvenile detention center for the housing of juvenile offenders. You also relate that Alleghany County is a member of, and has entered into a lease agreement with, the commission that governs the center. Additionally, you provide that the City of Covington is a city of the second class and shares with Alleghany County a circuit court, clerk, Commonwealth's attorney, and sheriff. You provide further that, pursuant to the Covington city charter, the apportionment of costs for the services provided to Alleghany County and the City of Covington for their joint court system and sheriff are apportioned between the county and city in proportion to their respective populations. Finally, you provide that funds for Alleghany County's share of the costs for the detention center are derived from the sheriff's budget. You inquire whether the City of Covington may authorize its share of the operational costs of the center to be determined separately from Alleghany County pursuant to a separate lease agreement.

Article 13, Chapter 11 of Title 16.1 §§ 16.1-315 through 16.1-322 of the *Code of Virginia*, governs joint or regional juvenile detention homes, group homes or other juvenile residential care facilities. Specifically, § 16.1-315 authorizes the governing bodies of three or more localities, by concurrent ordinances or resolutions, to establish a joint or regional juvenile detention center commission. In the instant case, Alleghany County is a member of the commission governing the Shenandoah Valley Detention Center.

The Attorney General has long recognized that, unlike cities of the first class whose residents elect a sheriff, cities of the second class are included within the jurisdiction of the sheriff of the appropriate county.¹

Accordingly, the Covington city charter provides that the costs and expenses of the sheriff, "elected conjointly with Alleghany County, shall be borne by the city and Alleghany County in the proportion that the population of each bears to the aggregate population of the city and county."² Similarly, the charter provides for such apportionment of expenses of the court system.³

Virginia adheres to the Dillon Rule, which provides that "any powers exercised by the Commonwealth's localities must be expressly conferred upon them either by general law or, as is more common with cities ..., by their charters, granted them by special act."⁴ Conversely, "any doubt as to whether a power has been conferred is, according to Dillon's Rule, to be construed against the locality."⁵

The facts presented maintain that the expenses of the regional juvenile detention center in issue are part of the sheriff's budget. The charter for the City of Covington articulates the apportionment requirements for the expenses of both the sheriff and court system. I do not know of any other charter provision which results in a different method of apportionment nor am I aware of a statute suggesting otherwise. Accordingly, it is my opinion that the city must abide by the charter's apportionment of costs and expenses of the office of the sheriff who serves the city.⁶

¹See Op. Va. Att'y Gen.: 1975-1976 at 319; 1974-1975 at 168.

²1954 Va. Acts ch. 227, § 14.05, at 246, 265 (providing for city charter and repealing charter for town of Covington).

³See *id.*

⁴2 A.E. Dick Howard, Commentaries on the Constitution of Virginia 810 (1974).

⁵*Id.*

⁶Compare 1982-1983 Op. Va. Att'y Gen. 160 (concluding that county sheriff may not refuse to accept prisoners from his respective portion of second class city and that county is responsible for expenses of housing prisoners arrested in portion of city lying in county).

[Back to February 20001 Index](#)