M26000583

VIRGINIA: IN THE CIRCUIT COURT OF CULPEPER COUNTY

IN RE: CULPEPER COUNTY COURTHOUSE HVAC REPAIRS, SECURITY, THE ADMINISTRATION OF JUSTICE AND ENVIRONMENTAL CLEANING

ORDER ESTABLISHING REPAIR PERIODS AND COURTHOUSE CLOSURES AND REQUIRING COURTHOUSE CLEANING FOR SECURITY AND THE ADMINISTRATION OF JUSTICE

This matter concerns scheduling and completing heating, ventilation, and air-conditioning (HVAC) repairs and necessary environmental cleaning at the Culpeper County Courthouse. This matter also concerns the condition of the 1874-constructed courthouse and the administration of justice and courthouse security. The Court finds as follows:

1. In the spring of 2026, at the County's request, the Court reserved the last week of October 2026 for HVAC repairs. During extensive discussions, the Court emphasized that closing the courthouse for five consecutive days would substantially disrupt public access to justice, the administration of justice, and court services. Recognizing the need for the work, the Court nevertheless arranged its docket and courthouse operations to accommodate that schedule, allowing approximately six months for the County and its contractor to secure the necessary parts, equipment, labor, and other resources.

2. The Court received no further correspondence from the County regarding the scheduled repairs. In late September 2026, the Court, *sua sponte*, contacted the County to confirm that the work would be completed during the reserved week. Only then did the County advise the Court that the contractor lacked the necessary parts and that a two-week courthouse closure would be required. The County was vague in its response to the Court's inquiry about when it learned that the contractor could not complete the repairs in October 2026. This change displaced the repair period the Court had already planned and required further accommodation of the project. The temperature in the Culpeper County Circuit Court was 54 degrees Fahrenheit on November 9 and 10, 2026. The Court conducted a plea agreement colloquy where the family of a murder victim sat in a 54-degree courtroom. Similar temperatures were recorded on the same days in the Culpeper General District Court. The temperature in judicial chambers on a recent Friday was approximately 83 degrees.

3. The Court supports the prompt completion of necessary repairs and the provision of a safe courthouse because doing so promotes the administration of justice. The courthouse serves the public continuously, however, and its availability cannot be determined solely by a contractor's preferred schedule or by the contractor's inability to secure parts for a system the contractor has known about since spring 2026. Repair planning must account for the administration of justice, the Clerk's statutory responsibilities, and public access to essential services. The Court further finds that the courthouse HVAC system is out of repair and that the HVAC repairs and environmental cleaning required by this Order are necessary to protect the health, welfare, and

safety of court employees and the public, including, without limitation, judges, Clerk's Office personnel, litigants, criminal defendants, victims, jurors, witnesses, attorneys, law-enforcement officers, contractors, and all other stakeholders who use the Culpeper County Circuit Court.

4. The May 2026 docket figures previously supplied to the County reflected 676 criminal cases and 1,035 civil cases in Culpeper. Culpeper had the largest criminal docket in the Sixteenth Judicial Circuit. For comparison, the criminal figures for Orange, Albemarle, Greene, Charlottesville, Fluvanna, and Madison were 453, 287, 201, 192, 154, and 73, respectively. These figures demonstrate the substantial demands on Culpeper's available court days. The court is managing a 2026 criminal and civil docket in a facility constructed in 1874. The Culpeper County Courthouse frequently has four different courts (Circuit, General District, and Juvenile and Domestic Relations) operating simultaneously. The Court further appeared in person before the Board of Supervisors in August 2025 and raised these same issues.

5. The County then requested a two-week consecutive closure for the repairs. A two-week closure during January 2027, or any other period of regularly scheduled court operations, would displace criminal and civil jury trials, criminal motions and sentencing hearings, and domestic-relations proceedings, including equitable-distribution matters, land recordings and applications for concealed weapon permits. Rescheduling those proceedings would burden an already crowded docket and delay other cases awaiting hearing. The Court must preserve sufficient hearing and trial dates to meet constitutional speedy-trial obligations and the requirements of Code § 19.2-243. The Court also considers its obligation to administer other portions of the Virginia Code, including, without limitation, § 19.2-306.1, § 22.1-97, and § 19.2-152.10(B)(1), (H). The legislature authors Virginia's public policy. Vasquez v. Dotson, 303 Va. 97 (2024); Prease v. Clarke, 302 Va. 376 (2023). A repair schedule cannot rest on the assumption that resulting continuances will extend the applicable speedy-trial statutory or constitutional periods.

6. An extended closure also disrupts litigants, victims, jurors, witnesses, attorneys, law-enforcement officers, experts, interpreters, court reporters, and courthouse employees. Many have arranged employment, travel, childcare, professional commitments, and other responsibilities around scheduled proceedings. The consequences extend beyond the dates when the building is unavailable. The court has successfully scheduled many civil motion hearings via Zoom and WebEx and is examining the additional use of video hearings for statutorily authorized criminal cases.

7. The repair periods specified in paragraph 1 below provide defined opportunities to complete the repairs and environmental cleaning. However, they still create an explicit disruption to the administration of justice for the reasons noted above and below. The courthouse and the Circuit Court Clerk's Office shall be closed during each specified period at the County's request, and the work shall be scheduled and completed within those periods.

Accordingly, it is ADJUDGED and ORDERED as follows:

1. Repair periods and courthouse closures. The Culpeper County Courthouse and Circuit Court Clerk's Office shall be closed for HVAC repairs and environmental cleaning during the following periods:

(a) Tuesday, December 22, 2026, at 5:00 p.m., through Wednesday, January 6, 2027, at 5:00 p.m.;

(b) Friday, January 15, 2027, at 5:00 p.m., through Monday, January 18, 2027, at 5:00 p.m.;

(c) Friday, February 12, 2027, at 5:00 p.m. through Monday, February 15, 2027, at 5:00 p.m.

(d) Thursday, May 6, 2027, at 5:00 p.m., through Sunday, May 16, 2027, at 5:00 p.m.; and

(e) Friday, May 28, 2027, at 5:00 p.m., through Monday, May 31, 2027, at 5:00 p.m.

All HVAC repairs and environmental cleaning shall be conducted within these periods and fully completed no later than May 31, 2027, at 5:00 p.m. Before the end of each repair period, the County shall complete the work scheduled for that period, including applicable installation, testing, commissioning, correction of deficiencies, removal of construction materials and debris, and restoration of affected areas for their intended use. The courthouse shall be restored to a condition suitable for safe occupancy and regular operations between repair periods, subject to paragraph 5 below.

2. County coordination and readiness. The County, through its County Administrator and appropriate facilities personnel, shall coordinate work and direct its contractors. All parts, equipment, personnel, permits, and required professional services necessary for each repair period shall be secured before that period begins. Delivery, staging, and other preparatory activities outside the specified repair periods may occur only if they do not interrupt courthouse operations or compromise security, access, or safety, and are coordinated in advance with the Court, Clerk, and Sheriff.

3. Deep cleaning and environmental work. During each specified repair period, the County shall arrange a thorough deep cleaning of the courthouse, including, without limitation, courtrooms, chambers, offices, public areas, restrooms, stairwells, holding areas, and accessible HVAC components and ventilation pathways. The work shall include removing accumulated dust, contaminants, and construction debris; professionally assessing for mold; remediating identified mold; and correcting associated moisture conditions necessary to prevent recurrence. Cleaning and remediation shall be coordinated with the work done during each separate and distinct period. The cleaning shall include, without limitation, ceilings, accessible overhead ledges, light fixtures, fans, walls, trim, courtroom benches, counsel tables, jury boxes, witness stands, railings, and spaces beneath and behind furniture, chambers, clerk's offices, jury deliberation rooms, conference rooms, waiting areas, storage rooms, closets, and other occupied spaces—including behind movable cabinets and equipment. The work shall further include,

without limitation, vacuuming carpets and upholstered seating; using suitable extraction cleaning where materials can dry promptly; and cleaning hard floors and baseboards using methods appropriate for wood, stone, tile, and their finishes. The work shall include, without limitation, cleaning interior glass, sills, frames, tracks, doors, hardware, and accumulated debris and inspecting deteriorated coatings before disturbing them. The County shall also clean and disinfect fixtures and frequently touched surfaces; remove scale and grime; clean partitions, cabinets, appliance interiors, exhaust grilles, and floor edges. The County shall also clean the basement, attic, and mechanical spaces. The County shall thoroughly inspect and safely remove accumulated dust, debris, abandoned materials, and pest contamination. The County shall identify leaks, dampness, and damaged insulation before cleaning. The County shall fully protect and secure court files, historic books, evidence, computers, recording equipment, and security systems.

4. Asbestos detection and controls. The County shall arrange for qualified, licensed professionals to conduct asbestos detection, inspection, and sampling as appropriate, including assessing materials that may be disturbed by the repairs or cleaning. Suspect materials shall be evaluated before disturbance. Any identified asbestos-containing material affected by the work shall be managed, contained, or abated as required by applicable law and professional standards. Cleaning and construction shall be sequenced to avoid spreading mold, asbestos fibers, or other contaminants. The scope should include investigation of roof and plumbing leaks, condensation, basement dampness, and HVAC drainage. Appropriate remediation should include, without limitation, containment, cleaning salvageable surfaces, removing unsalvageable porous materials, and thoroughly drying affected areas. Painting over mold or masking an odor would not constitute completion. The County must identify any moisture problem(s) and the absence of visible mold and moldy odors as key completion criteria. The gentlest methods shall be used to protect the historic fabric and character of the 1874-constructed historic facility.

5. Qualified personnel and completion documentation. Environmental assessment, remediation, and asbestos work shall be performed by appropriately qualified and, where required, licensed professionals. Before the end of each repair period, the County shall provide the Court, Clerk, and Sheriff with written completion and operational-testing documentation for HVAC work performed during that period, environmental inspection and sampling reports, a description of remediation performed, and any required clearance results. The documentation shall identify any unresolved condition affecting safe occupancy. Final completion documentation shall be provided no later than May 31, 2027, at 5:00 p.m. Neither a completion deadline nor the expiration of an authorized closure period authorizes occupancy of an unsafe building.

6. Protection of public services and records. The County shall coordinate with the Clerk and Sheriff to protect land records, case files, evidence, equipment, and secured areas throughout the work. The orderly operation of courts is the dominant and pressing requirement of the administration of justice. Estes v. Texas, 381 U.S. 532 (1961) (citing Pennekamp v. Florida, 328

U.S. 331 (1946). Under Virginia law, trial judges have inherent authority to ensure the security of their courtrooms and courthouses. Porter v. Commonwealth, Payne v. Commonwealth, 233 Va. 460 (1987); 276 Va. 203 (2008); Epps v. Commonwealth, 47 Va. App. 687 (2006); Taylor v. Taylor, 117 Va. Cir. 160 (Culpeper Cir. Ct. 2026).

7. No additional closure authorized. This Order closes the courthouse building and the Culpeper County Circuit Court Clerk's Office during the specified periods. Any alteration requires a further order of the Court. Any condition presenting an immediate danger shall be reported immediately to the Court, Clerk, and Sheriff. Cleaning, environmental remediation, mechanical work, and final verification are separately identifiable deliverables. The Court will make its best efforts to hold virtual hearings (ZOOM/WebEx) during the closure periods consistent with Virginia law and the Virginia and United States Constitutions.

8. Distribution and continuing supervision. The Clerk shall transmit a certified copy of this Order to the County Administrator, County Attorney, each member of the Culpeper County Board of Supervisors, and the Sheriff, and shall provide copies to the other courts occupying the courthouse. The County Administrator shall provide a copy to the project manager, HVAC contractor, and environmental contractors. The Court retains jurisdiction to enforce and modify this Order as circumstances require. The Court further reserves all rights available to it under the common law, the Code of Virginia, its inherent equitable powers, and appellate and trial court decisions.

ENTERED: 11/17/26

Dale B. Durrer, Judge

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