

# **CAMPBELL COUNTY CODE OF 1988**

## **CHAPTER 2**

### **ADMINISTRATION**

For state law as to general powers of local governments, see VA. CODE ANN. §15.2-900 et seq. (Repl. Vol. 2018). For state law regarding general powers and procedures of counties, see VA. CODE ANN. §15.2-1200 et seq. (Repl. Vol. 2018). For state law regarding governing bodies of localities [county, city, or town], see VA. CODE ANN. §15.2-1400 et seq. (Repl. Vol. 2018). As to meetings of Board of Supervisors, see VA. CODE ANN. §15.2-1415 et seq. (Repl. Vol. 2018). As to Freedom of Information Act, see VA. CODE ANN. §§2.2-3700 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019). As to State and Local Government Conflict of Interests Act, see VA. CODE ANN. §§2.2-3100 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019). As to adoption of ordinances, see VA. CODE ANN. §15.2-1425 et seq. (Repl. Vol. 2018) with particular attention to §15.2-1427 (Repl. Vol. 2018). As to county administrators, and clerks for the local governing body, see VA. CODE ANN. §15.2-1536 to §15.2-1541 (Repl. Vol. 2018), §15.2-1505 (Repl. Vol. 2018), and §15.2-406 to §15.2-407 (Repl. Vol. 2018).

As to animal warden, see §4-8 of this Code. As to Building Code Board of Appeals, see §5-5. As to elections generally, see Ch. 7. As to participation under Line of Duty Act, see §17-1. As to administration of subdivision regulations, see Chapter 21.

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#### **Article I. In General.**

##### **Sec. 2-1. Protection of records and other papers.**

(a) No book, record, document or paper belonging to the County or any department, office, board, commission, or other agency of the County shall be removed from the office of the custodian thereof without his permission, and then only upon the giving of a receipt therefor, except as may be provided otherwise by law in any case, or except upon order of the Board of Supervisors or its chairman, or in compliance with a valid subpoena duces tecum issued by a court or officer having jurisdiction for the issuance thereof.

(b) No person shall, without proper authority, destroy, tamper with, deface or otherwise damage or alter any book, record, document or paper belonging to the County or any department, office, board, commission or other agency of the County, or fail to return any such item of property to its proper custodian after having taken it from its place of custody as authorized in subsection (a) of this section. (11-15-82)

For general state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018), VA. CODE ANN. §15.2-1400 et seq. (Repl. Vol. 2018), VA. CODE ANN. §15.2-1409 (Repl. Vol. 2018), VA. CODE ANN. §15.2-1412 (Repl. Vol. 2018), VA. CODE ANN. §15.2-1500 et seq. (Repl. Vol. 2018) and VA. CODE ANN. §15.2-2508 (Repl. Vol. 2018).

[THE 1987 AMENDMENT substituted "for the issuance thereof" for "in the premises" in (a).]

**Sec. 2-2. Property and property insurance inventories.**

(a) The county administrator shall maintain on file in his office an inventory of all real property owned by or leased to the County. This inventory shall be maintained in current status, and during January of each year shall be revised, as may be appropriate, to show changes in value due to depreciation or to repairs, renovations, etc. For each building or lot such inventory shall also show (1) a brief description, (2) a reference to the deed, devise, lease or other instrument whereby the County acquired title to or the use thereof, (3) the department, office or agency charged with custody, (4) the purpose or use, (5) the insurance of all types thereon, together with notes as to premiums payable and anniversary dates, and (6) for property owned by the County and leased to other persons, copies of such leases and appropriate notes as to the revenues derived therefrom.

(b) Each County officer having custody of items of nonexpendable personal property of value greater than fifty dollars owned by or leased to the County shall, during January of each year, prepare in duplicate an itemized inventory of such property, showing for each item (1) its value and a brief description, together with identification (by serial number, where applicable), (2) a reference to the instrument, if any, whereby title of use was acquired, (3) the department, office or agency having custody, (4) the purpose or use, and (5) the insurance of all types, if any, together with notes as to premiums payable and anniversary dates. The original copy of each such inventory shall be filed in the office of the county administrator before February 1 of each year, and the duplicate copy shall be retained on file in the office of the person who prepared it. (11-15-82)

For general state law authority, see authority cited at §2-1 of this Code. See also VA. CODE ANN. §15.2-1800 et seq. (Repl. Vol. 2018).

**Sec. 2-3. Use of county-owned personal property for private purposes.**

(a) Trucks, machinery and other items of personal property owned by the County shall not be loaned or leased to any person; provided, that the Board of Supervisors may by resolution provide rules and regulations whereby the county administrator may authorize specified items of county-owned personal property to be used for private purposes when such use would not interfere with or delay any county work or project, upon the payment of specified charges, and subject to such terms and conditions as may be stipulated by the county administrator. If and when any such resolution is in effect, the provisions thereof and the provisions of this subsection shall be deemed to be incorporated in and made a part of any authorization made thereunder by the county administrator, and all persons for whose benefit any county-owned personal property is used shall be bound thereby and shall likewise be bound by the stipulations of the county administrator.

(b) This section shall not be construed so as to limit the authority of the Board of Supervisors to authorize the use of county-owned personal property by political subdivisions of this state under mutually agreed upon terms and conditions. (11-15-82)

For state law authority, see citations at §2-1 and §2-2.

**Sec. 2-3.1. Salaries of members of the Board of Supervisors; Chairman.**

The salary of each member of the Board of Supervisors for the County of Campbell, Virginia, shall be determined by the Board of Supervisors not earlier than May 1 nor later than June 30 of each year by ordinance, which shall be recorded in the Supervisors' minute book, but need not be codified, enacted after public hearing and notice as provided in VA. CODE ANN. §15.2-1427 (Repl. Vol. 2018).

The salaries so fixed shall not exceed the maximum salaries set by law in accordance with the provisions of VA. CODE ANN. §15.2-1414.3 (Repl. Vol. 2018) or any amendments thereto.

The Board of Supervisors shall fix by the same procedure an annual additional sum to be paid to the Chairman of the Board not to exceed ONE THOUSAND EIGHT HUNDRED DOLLARS (\$1,800.00).

For state law authority, see VA. CODE ANN. §15.2-1414.3 (Repl. Vol. 2018) and §15.2-1414.2 (Repl. Vol. 2018).

[THE 1987 ACT, effective June 30, 1986, set the salaries for members of Board of Supervisors and its chairman.]

[THE 1988 AMENDMENT added "as amended" at the end of the first paragraph.]

[THE 1991 AMENDMENT substituted "May 1" for "May" in the first paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted “§15.2-1427 (Cum. Supp. 1998)” for “§15.1-504 (Repl. Vol. 1998)” at the end of the first paragraph.]

[THE AUGUST 7, 2000 AMENDMENT substituted “§15.2-1414.3 (Cum. Supp. 1999)” for “§14.1-46.01:1 (Repl. Vol. 1993)” at the end of the second paragraph.]

**Article II. Reserved.**

**Sec. 2-4. Reserved.**

Editor's note: By duly adopted resolution on December 4, 2006, the Board of Supervisors dissolved the County Transportation Safety Commission, a body consisting of nine members, one of whom was a member of the Board of Supervisors, meeting four times a year to make studies and reports regarding plans and programs for improvement of transportation safety within the County. The existing County Public Safety Committee, succeeding to some of the functions of the former County Transportation Safety Commission, is composed of nine members, two of whom are members of the Board of Supervisors, and meets six times a year to discuss all matters related to public safety, including transportation safety issues as needed. The Board, under the general authority of VA. CODE ANN. §15.2-1411 (Repl. Vol. 2018), may appoint such advisory boards, committees, and commissions as it deems necessary to advise it with regard to any matter of concern to the County; members of such advisory bodies serve at the pleasure of the Board of Supervisors.

### **Article III. Planning Commission.**

As to duty of County to appoint planning commission, see VA. CODE ANN. §15.2-2210 (Repl. Vol. 2018). As to local planning, see VA. CODE ANN. §§15.2-2211 to 15.2-2222 (Repl. Vol. 2018).

#### **Sec. 2-5. Creation.**

A Planning Commission is hereby created for the County pursuant to the provision of VA. CODE ANN. §15.2-2210 (Repl. Vol. 2018).

#### **Sec. 2-6. Composition; qualifications, appointment and term of members.**

The Planning Commission shall consist of seven (7) members, one from each election district within the County, who shall be residents of the County, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of members so appointed shall be owners of real property. All of such members shall be appointed by the Board of Supervisors for terms of four years each, or shorter periods as deemed necessary by resolution of the Board of Supervisors and as provided in VA. CODE ANN. §15.2-2212 (Repl. Vol. 2018). In addition, the Board of Supervisors may appoint one member of the Board of Supervisors as an *ex officio* member of the Planning Commission. Such *ex officio* member shall attend the meetings of the Planning Commission, but shall not vote. The term of such *ex officio* member shall be co-extensive with the term of office to which he has been elected or appointed, unless the Board of Supervisors, at the first regular meeting each year, appoints another to serve as its representative. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2212 (Repl. Vol. 2018).

Editor's note: Revisions to this section effective December 1, 2008 shall not affect the terms of any Planning Commission member sitting as of that date. Each existing member shall finish out the terms for which they were initially appointed, and any changes to the length of terms shall be only to terms beginning after December 1, 2008.

[THE 1982 AMENDMENT added language in the third sentence beginning at "provided" and continuing to the end of the section.]

[THE 1988 AMENDMENT substituted "owners of real property" for "freeholders" at the end of the first sentence.]

[THE MAY 17, 1999 AMENDMENT, in the first sentence, substituted "members so appointed" for "such members"; in the third sentence, substituted "member of the commission" for "such member" and added "and one member may be a member of the administrative branch of government of Campbell County."; and rewrote proviso language formerly located in the third sentence as present fourth sentence.]

[THE DECEMBER 1, 2003 AMENDMENT substituted “seven (7)” for “ten” and inserted “one from each election district within the County” in the first sentence, added “each” at the end of the second sentence, substituted present third sentence for former third sentence which provided for appointment of a member from the Board of Supervisors and a member from the administrative branch of County government, and, in the fourth sentence, substituted “such *ex officio* member” for “each of these two members” and “another to serve as its representative” for “others to serve as their representatives.”]

[THE DECEMBER 1, 2008 AMENDMENT inserted “or shorter periods as deemed necessary by resolution of the Board of Supervisors” after “terms of four years each” in the second sentence.]

**Sec. 2-7. Vacancy; removal of members.**

(a) A vacancy on the County Planning Commission shall be filled by appointment for the unexpired term only.

(b) Any member of the County Planning Commission may be removed by the Board of Supervisors for malfeasance in office; provided, that such removal may be made only after a public hearing at which such member is given an opportunity to appear and be heard on the charges against him.

(c) Notwithstanding the foregoing provision, a member of the County Planning Commission may be removed from office by the Board of Supervisors without limitation in the event that the Planning Commission member is absent from any three consecutive meetings of the Planning Commission, or is absent from any four meetings of the Planning Commission within any 12-month period. In either such event, a successor shall be appointed by the Board of Supervisors for the unexpired portion of the term of the Planning Commission member who has been removed.

For similar state law, see VA. CODE ANN. §15.2-2212 (Repl. Vol. 2018).

[The 1987 AMENDMENT designated existing provisions as (b) and added (a).]

[THE DECEMBER 4, 2006 AMENDMENT added subsection (c).]

**Sec. 2-8. Compensation of members.**

All members of the County Planning Commission shall serve as such with or without compensation as determined by the Board of Supervisors.

For state law basis, see VA. CODE ANN. §15.2-2212 (Repl. Vol. 2018).

**Sec. 2-9. Officers, employees and consultants; expenditures; rules and records; special surveys.**

The County Planning Commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. The County Planning Commission may create and fill such other offices as it deems necessary; appoint such employees and staff as it deems necessary for its work; and contract with consultants for such services as it requires; provided, however, that any expenses incurred in connection therewith shall be first approved by the Board of Supervisors.

The Commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the Commission, the Board of Supervisors or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of County Administrative Departments, or the Board of Supervisors or other public official may direct any such department employee to make for the Commission special surveys or studies requested by the Commission.

For state law basis, VA. CODE ANN. §15.2-2217 (Repl. Vol. 2018).

[The 1987 AMENDMENT added the second paragraph.]

[THE MAY 17, 1999 AMENDMENT inserted “appointed” preceding “members a chairman” in the first clause in the first paragraph.]

**Sec. 2-10. Functions, powers and duties.**

The County Planning Commission shall have the following functions, powers and duties in addition to any others which are prescribed by law:

- (a) To exercise general supervision of, and make regulations for, the administration of its affairs;
- (b) Prescribe rules pertaining to its investigation and hearings;
- (c) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board of Supervisors;
- (d) Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- (e) Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- (f) Prepare, publish, and distribute reports, ordinances and other material relating to its activities;
- (g) Prepare and submit an annual budget in the manner prescribed by the Board of Supervisors; and
- (h) If deemed advisable, establish advisory committee or committees. (11-15-82)

For state law mandate, see VA. CODE ANN. §15.2-2221 (Repl. Vol. 2018).

[THE 1982 AMENDMENT added "in addition to any others" following "duties" on line two, and added subsections (a) through (h).]

#### **Article IV. Industrial Development Authority.**

For state law authorizing County to advertise for industrial development, see VA. CODE ANN. §15.2-1204 (Repl. Vol. 2018).

#### **Sec. 2-11. Created.**

There is hereby created pursuant to the provisions of VA. CODE ANN. §§15.2-4900 through 15.2-4920 (Repl. Vol. 2018 and Cum. Supp. 2019), inclusive, a political subdivision of the Commonwealth, to be known as an Industrial Development Authority, with such public and corporate powers as are set forth in such sections of the Code of Virginia. (7-9-69, §1)

For state enabling law, see VA. CODE ANN. §15.2-4903 (Repl. Vol. 2018).

#### **Sec. 2-12. Name.**

The name of the Authority shall be the "Industrial Development Authority of the County of Campbell, Virginia." (7-9-69, §2.)

For state law authority, see VA. CODE ANN. §15.2-4903 B. (Repl. Vol. 2018).

#### **Sec. 2-13. Powers and duties generally.**

The Authority shall have the same powers, duties and obligations as set forth in VA. CODE ANN. §15.2-4900 through 15.2-4920 (Repl. Vol. 2018 and Cum. Supp. 2019), inclusive. (7-9-69, §8.) (11-15-82)

For state law authority, see VA. CODE ANN. §15.2-4900 et seq. (Repl. Vol. 2018 and Cum. Supp. 2019).

[THE 1982 AMENDMENT deleted the words "or as any of such sections may hereafter be amended" at the end of the section.]

#### **Sec. 2-14. Board of directors--Appointment; number.**

The Authority shall be governed by a Board of Directors in which all powers of the Authority shall be vested and which Board shall be composed of seven directors, appointed by the Board of Supervisors. (7-9-69, §3.)

For state law basis, see VA. CODE ANN. §15.2-4904 (Cum. Supp. 2019).

**Sec. 2-15. Same--Terms of office; oath, residence; removal from office.**

The seven directors shall be appointed for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties, take and subscribe the oath prescribed by VA. CODE ANN. §49-1 (Repl. Vol. 2013). No director shall be an officer or employee of the County. (7-9-69, §4.)

Every director shall, at the time of his appointment and thereafter, reside in the County of Campbell or an adjoining locality. When a director ceases to be a resident of the County of Campbell or adjoining jurisdiction, the director's office shall be vacant and a new director may be appointed for the remainder of the term. (11-15-82)

A member of the Board of Directors of the Authority may be removed from office by the Board of Supervisors of Campbell County without limitation in the event that the board member is absent from any three consecutive meetings of the Authority, or is absent from any four meetings of the Authority within any 12-month period. In either such event, a successor shall be appointed by the Board of Supervisors for the unexpired portion of the term of the member who has been removed.

For state law basis, see VA. CODE ANN. §15.2-4904 (Cum. Supp. 2019).

[THE 1982 AMENDMENT added the second paragraph.]

[THE 1987 AMENDMENT inserted the second sentence in the first paragraph.]

[THE 1988 AMENDMENT substituted "term" for "terms" following "director whose" in the second sentence of the first paragraph.]

[THE MAY 17, 1999 AMENDMENT, in the first paragraph, inserted a new second sentence; in the third sentence, substituted "has not been" for "shall not have been," "has expired" for "shall have expired", and "is appointed" for "shall be appointed"; in fourth sentence, inserted "upon appointment or reappointment"; in the first sentence in the second paragraph, substituted "or an adjoining locality" for "however, any person residing within any town or city or county adjoining the boundaries of the County of Campbell shall be deemed a resident of the County of Campbell for the purposes of this section"; in the second sentence, deleted "as heretofore cited" following "jurisdiction,"

substituted “the director’s” for “such director’s,” and deleted “so vacated” following “remainder of the term.”]

[THE DECEMBER 4, 2006 AMENDMENT added the last paragraph.]

**Sec. 2-16. Same--Officers; compensation.**

The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors shall be elected. The directors shall receive no salary but may be compensated such amount per regular, special or committee meeting or per each official representation as may be approved by the Board of Supervisors, not to exceed two hundred dollars (\$200.00) per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties. (7-9-69, §5.)

For state law basis, see VA. CODE ANN. §15.2-4904 (Cum. Supp. 2019).

[THE 1987 AMENDMENT added "who shall continue to hold such office until their respective successors shall be elected" at the end of the first sentence.]

[THE 1988 AMENDMENT substituted "per regular, special or committee meeting" for "per meeting" in the second sentence.]

[THE 1993 AMENDMENT inserted "or per each official representation" and "or official representation" in the second sentence.]

[THE MAY 17, 1999 AMENDMENT, in the second sentence, deleted “the directors” preceding “may be compensated;” substituted “amount per regular” for “amounts per regular” and substituted “duties” for “duty.”]

[THE AUGUST 7, 2000 AMENDMENT substituted “two hundred dollars (\$200.00)” for “\$50.00” in the second sentence.]

**Sec. 2-17. Same--Meetings--Quorum.**

Four members of the Board of Directors shall constitute a quorum of the Board for the purposes of conducting its business and exercising its powers and for all other purposes; except, that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the members of the Board of Directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the Board. (7-9-69, §6.)

For state law basis, see VA. CODE ANN. §15.2-4904 E. (Cum. Supp. 2019).

**Sec. 2-18. Same--Records.**

The Board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and, unless

exempted by VA. CODE ANN. §30-140 (Repl. Vol. 2015), it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the Board of Supervisors and shall be open to public inspection. (7-9-69, §7.)

For state law basis, see VA. CODE ANN. §15.2-4904 F. (Cum. Supp. 2019).

[THE 1987 AMENDMENT inserted "VA. CODE ANN. §2.1-164 (Cum. Supp. 1986)" in the second sentence.]

[THE MAY 17, 1999 AMENDMENT, in the second sentence, substituted "records audited" for "same audited" and, in the third sentence, inserted "each" preceding "such audit."]

[THE JUNE 17, 2002 AMENDMENT substituted "§30-140 (Repl. Vol. 2001)" for "§2.1-164 (Repl. Vol. 1995)" in the second sentence.]

### **Sec. 2-19. Same--Copies of Internal Revenue Service reports.**

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the Board of Supervisors and the other copy mailed to the Department of Small Business and Supplier Diversity.

For state law basis, see VA. CODE ANN. §15.2-4904 F. (Cum. Supp. 2019).

[THE 1987 ACT adopted this section.]

[THE 1997 AMENDMENT substituted "Department of Business Assistance" for "Department of Economic Development" at the end of the second sentence.]

[THE MAY 17, 1999 AMENDMENT deleted "mechanically reproduced" preceding "copies of the report" at the beginning of the first sentence.]

[THE DECEMBER 3, 2013 AMENDMENT, *effective January 1, 2014*, substituted "Department of Small Business and Supplier Diversity" for "Department of Business Assistance."]

### **Article V. Purchasing.**

For state law authorizing this Article, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

### **Sec. 2-20. Debarment authorized.**

The Purchasing Agent may, in his discretion and for the purposes of protecting the integrity of the County's procurement process, debar a Contractor for any of the causes in Section 2-21, using the procedures in Section 2-22, and with the right of appeal as set forth in Section 2-23.

The purpose of debarment is to protect the County and its taxpayers from risks associated with awarding contracts to persons or firms which have exhibited an inability or unwillingness to fulfill contractual requirements, and to protect the integrity of the County's procurement process by preventing individuals or firms who have displayed improper conduct from participating in competition for County contracts.

The term "Contractor" shall mean any prospective individual or business entity which has contracted with, or which is proposing to contract with the County to provide goods or services, whether or not actually bidding on a proposed contract at the time. It shall include any other business entity with substantially the same principals or owners as a debarred contractor.

For state law basis, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

[THE DECEMBER 6, 2011 ACT enacted this section.]

**Sec. 2-21. Causes for debarment.**

(a) The Purchasing Agent may debar a Contractor for any of the following causes, or any combination thereof:

1. The Contractor or any of its principals being convicted of a felony bearing some reasonable relation to business integrity or business honesty.
2. The Contractor or any of its principals engaging in fraud or any criminal activity in connection with obtaining, attempting to obtain, or performing a public contract or subcontract; including but not limited to embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property. Conviction of a crime based on such activities shall not be a requirement of this subsection, so long as there is credible evidence sufficient for the Purchasing Agent to conclude that such conduct occurred.
3. Violation of any material term of a government contract or subcontract with any governmental entity, including but not limited to failure to perform and/or a history of failure to perform; and also failure to honor a binding bid. This subsection shall apply to past contracts and to present contracts. The government entity's need to call on a performance bond or completion bond shall be *prima facie* evidence of such a violation.
4. Debarment by any other governmental entity.
5. Failure to honor the letter or spirit of a bond or a hold harmless or indemnification agreement with the County, or litigiousness with the County.
6. Any other cause that is of so serious or compelling a nature that it materially affects the Contractor's present responsibility or ability to perform, or such that hiring the Contractor could adversely affect the County's reputation for responsible contracting.

(b) The Purchasing Agent shall give fair consideration to the seriousness of the Contractor's wrongful acts or omissions, the ability and willingness of the Contractor to act reasonably to correct problems, any mitigating factors, and the public interest.

For state law basis, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

[THE DECEMBER 6, 2011 ACT enacted this section.]

**Sec. 2-22. Procedures for debarment.**

(a) If the Purchasing Agent concludes that there is cause under Section 2-21 for debarment, he may in his discretion debar the Contractor using the procedures set forth in this section. Debarment shall be for a specified period of time, up to and including permanency, that is reasonably commensurate with the seriousness of the cause for same.

(b) Prior to debarment, the Purchasing Agent shall obtain the written concurrence of the County Administrator or his designee and the approval of the County Attorney or his designee for form and legality.

(c) The existence of a cause for debarment does not require that the Contractor be debarred. If cause does exist, the Purchasing Agent may debar at any time up to two years after having actual knowledge thereof. Failure to debar forthwith upon learning of cause shall not comprise a waiver of the right to debar at a later time; and a contractor may be awarded a contract but put on terms to avoid a possible future debarment.

(d) If a Contractor engages in unacceptable conduct that could, in consideration with other future acts, be a basis for debarment, the Purchasing Agent may, in his discretion, notify the Contractor in writing that the misconduct, unsatisfactory performance, or failure to perform, if aggravated by future acts, could result in debarment.

(e) If the decision is made to debar, written notice shall be provided to the Contractor. The notice shall:

1. State the reasons for the debarment in terms sufficient to put the Contractor on notice of the basis for the decision and the period of time for the debarment;
2. State the procedures the Contractor may take to examine the information or evidence supporting the debarment; and
3. Inform the Contractor of the right to appeal in writing to the County Administrator within ten days of issuance of the written notice.

(f) If a Contractor is debarred, the debarment shall also apply to any other business entity formed with the same resources, owners, principals, or stockholders as the debarred Contractor.

(g) The Purchasing Agent shall have the discretion to rescind or modify a debarment, if he concludes in his sole discretion, based on credible evidence, that the Contractor has been rehabilitated and that it would be in the public interest to take such action.

(h) The Purchasing Agent shall maintain an up-to-date list showing the status of all debarred contractors. The list shall be made available for prompt review to any member of the Board of Supervisors, upon request.

For state law basis, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

[THE DECEMBER 6, 2011 ACT enacted this section.]

### **Sec. 2-23. Appeals.**

(a) The Contractor may appeal the debarment decision to the County Administrator in writing received by the County Administrator within ten days of issuance of the written debarment decision. The notice shall state with reasonably clarity the basis for the appeal.

(b) Upon receipt of a proper and timely appeal, the County Administrator shall schedule a hearing. The County Administrator may, in his sole discretion:

1. Conduct the hearing himself;
2. Have the hearing conducted by a designee who is a County employee; or
3. Have the hearing conducted by a qualified and neutral mediator selected by the County Administrator, with the cost of the mediator to be borne by the Contractor. If the Contractor does not agree to pay said cost, the County Administrator may dismiss the appeal forthwith, and there shall be no further appeal from that decision.

(c) The hearing shall be informal, and it shall be conducted in private unless by agreement of the parties. The Contractor shall be given a fair opportunity to present evidence and to try and explain why the debarment decision is not justified or proper, but strict rules of evidence and formal courtroom procedures shall not apply.

(d) If the County Administrator does not conduct the hearing himself, he shall receive a written or oral report from the person who did conduct it. He shall thereafter render a written decision. He shall have authority to affirm, reverse, or modify the debarment decision appealed from.

(e) The Contractor shall have the right to appeal the County Administrator's decision to the Campbell County Circuit Court, except for the circumstances set forth in subsection 2(c) above, under the following conditions:

1. The appeal must be filed within thirty days of the County Administrator's decision.

2. The appeal shall be based solely on the written record of the debarment procedure, and no new evidence shall be introduced or considered, nor shall witnesses be called to testify.

3. The County Administrator's decision shall be affirmed unless there is no rational basis for it.

For state law basis, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

[THE DECEMBER 6, 2011 ACT enacted this section.]

**Sec. 2-24. Bonds and Indemnification.**

In addition to having debarment authority, the Purchasing Agent shall have the authority to reject or to disqualify any company providing coverage for a bond or indemnification obligation of a Contractor, if in the Purchasing Agent's sole discretion there is a reasonable basis for doing so. Upon such a decision, reasonable oral or written notice shall be provided to the Contractor. There shall be no right of appeal.

For state law basis, see VA. CODE ANN. §2.2-4321 (Repl. Vol. 2017).

[THE DECEMBER 6, 2011 ACT enacted this section.]