

# CAMPBELL COUNTY CODE OF 1988

## CHAPTER 2

### ADMINISTRATION

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

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

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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.

For general state law authority, see [Va. Code §15.2-1200](#), [Va. Code §15.2-1400 et seq.](#), [Va. Code §15.2-1409](#), [Va. Code §15.2-1412](#), [Va. Code §15.2-1500 et seq.](#) and [Va. Code §15.2-2508](#).

**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.

For general state law authority, see authority cited at [§2-1](#) of this Code. See also [Va. Code §15.2-1800 et seq.](#)

**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.

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 §15.2-1427](#).

The salaries so fixed shall not exceed the maximum salaries set by law in accordance with the provisions of [Va. Code §15.2-1414.3](#) 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 §15.2-1414.3](#) and [§15.2-1414.2](#).

**Article II. Reserved.**

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

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

As to duty of County to appoint planning commission, see [Va. Code §15.2-2210](#). As to local planning, see [Va. Code §§15.2-2211 to 15.2-2222](#).

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

A Planning Commission is hereby created for the County pursuant to the provision of [Va. Code §15.2-2210](#).

#### **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 §15.2-2212](#). 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.

For state law basis, see [Va. Code §15.2-2212](#).

#### **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 §15.2-2212](#).

**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 §15.2-2212](#).

**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 §15.2-2217](#).

**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.

For state law mandate, see [Va. Code §15.2-2221](#).

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

For state law authorizing County to advertise for industrial development, see [Va. Code §15.2-1204](#).

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

There is hereby created pursuant to the provisions of [Va. Code §§15.2-4900 through 15.2-4920](#), 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.

For state enabling law, see [Va. Code §15.2-4903](#).

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

The name of the Authority shall be the “Industrial Development Authority of the County of Campbell, Virginia.”

For state law authority, see [Va. Code §15.2-4903](#).

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

The Authority shall have the same powers, duties and obligations as set forth in [Va. Code §15.2-4900 through 15.2-4920](#), inclusive.

For state law authority, see [Va. Code §15.2-4900 et seq.](#)

#### **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.

For state law basis, see [Va. Code §15.2-4904](#).

**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 §49-1](#). No director shall be an officer or employee of the County.

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.

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 §15.2-4904](#).

**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.

For state law basis, see [Va. Code §15.2-4904](#).

**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.

For state law basis, see [Va. Code §15.2-4904\(E\)](#).

**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 §30-140](#), 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.

For state law basis, see [Va. Code §15.2-4904\(F\)](#).

**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 §15.2-4904\(F\)](#).

**Article V. Purchasing.**

**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 [§2-21](#) of this Code, using the procedures in [§2-22](#), and with the right of appeal as set forth in [§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 §2.2-4321](#).

**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 §2.2-4321](#).

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

A. If the Purchasing Agent concludes that there is cause under [§2-21](#) of this Code for debarring a Contractor, 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 debarring a Contractor, 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 §2.2-4321](#).

### 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 (B)(3) 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 §2.2-4321](#).

#### **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 §2.2-4321](#).

#### **Sec. 2-25. Bonds for Indefinite Delivery or Quantity Contracts.**

Upon the award of any indefinite delivery or quantity contract for any (i) nontransportation-related public construction contract exceeding \$500,000.00 awarded to any prime contractor or (ii) transportation-related project authorized pursuant to Va. Code §33.2-208 et seq. exceeding \$350,000.00 that is partially or wholly funded by the Commonwealth, the contractor shall furnish the County a performance bond and a payment bond, each of which shall be equal to the dollar amount of the individual tasks identified in the underlying contract. For purposes of this section, "indefinite delivery or quantity contract" means a contract that only requires performance of contractual obligations upon the request of the locality and which establishes an annual cap for the total work that may be authorized for such contract.

For state law basis, see [Va. Code §2.2-4337](#).