TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL

ORDINANCE

FEBRUARY 3, 2026

Ordinance- to amend Chapter 2 (ADMINISTRATION), Article 1 (In General), Sec. 2.2 (Freedom of Information Act Requests), to delete reference to specific positions serving as FOIA Officers.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended as follows:

CHAPTER 2

(ADMINISTRATION)

Article 1. In General

Sec. 2-2 - Freedom of Information Act requests

(a) The town supports good faith, timely, and responsive compliance to citizens' request for public records under the Virginia Freedom of Information Act (Code of Virginia, § 2.2-3700, and following) (the Act).

(b) This policy effectuates the Act. Nothing in this section varies or legally may vary the Act. In case of a conflict, the Act prevails.

(c) Citizens are requested to reduce to writing their formal requests for copies of or access to public records so that the requested records are identified with reasonable specificity. The town will respond to written or non-written requests for copies of or access to public records under the Act.

~~(d) The Herndon Police Public Information Officer (HPD PIO) is hereby designated as the town's FOIA officer for Town of Herndon Police records. The chief communications officer (CCO) is hereby designated as the Town's FOIA officer for all other requests for public records.~~

~~(e)~~**(d)** Citizens should direct formal requests for copies of or

access to public records to the appropriate FOIA officer. The FOIA officer will coordinate and manage responses to formal requests for copying of or access to public records under the Act.

~~(f)~~**(e)** The FOIA officer shall in written communication that meets the Act provide or render available non-exempt public records within five working days after the receipt of the request pursuant to the provisions of the Act.

~~(g)~~**(f)** The town shall charge for the actual town reproduction costs of public records provided to and at the formal request of the citizen. The town manager shall establish in writing, document in a public filing, publicize, and periodically adjust based on prevailing reasonable rates the town's reproduction costs.

~~(h)~~**(g)** The town shall charge the citizen a reasonable charge to cover town's actual personnel cost to access, search for, duplicate, and supply records subject to a formal request. The staff time for these services shall be the hourly rate of the employee, excluding fringe benefits. The town will not charge for time spent in supervision of the citizen's inspection and copying of the public records or for their preservation and safe keeping.

~~(i)~~**(h)** The citizen requesting in a formal request copies of or access to public records may ask for an advance estimate of the town's costs for complying with the formal request for records. If the costs are likely to exceed $200.00, the town will require the citizen to pay the estimated costs in advance before the town must provide access to or copies of the records subject to a formal request. If the town provided this advance cost estimate, the statutory period for response stops running until the citizen pays the estimate. The town and the citizen must make an equitable adjustment of such costs upon the provision of the public records.

~~(j)~~**(i)** Where the request for public records is legally complex or raises legal questions, the town may charge the town attorney's hourly rate less fringe benefits for support of the handling of the formal request for copies of or access to public records.

~~(k)~~**(j)** Nothing in this section shall preclude the town manager, town attorney, or their respective staffs from informally responding to citizens without charge for reproduction or staff

time to simple, day-to-day, or routine requests for access to or copies of readily available, concise, and discrete public information. Such requests are "informal requests" under the Act. All other requests under the Act are "formal requests." In case of doubt, the town manager may determine whether a request is a formal request or an informal request. The town manager's decision is final.

2. This ordinance shall be effective on and after the date of its adoption.