TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 5.c.

Agenda Item: **Ordinance 25-O-23 to request the 2026 Virginia General Assembly amend the Charter of the Town of Herndon, Chapter 4, regarding the Town Manager to permit the Town Council flexibility to contract with the Town Manager regarding the location of their residence, and to clarify the duties of the Town Manager relative to employees consistent with Chapter 54 of the Town Code**

Meeting Date: November 12, 2025

Category: Public Hearings

Prepared by: Lesa Yeatts, Town Attorney

Description:
This Ordinance would request the Virginia General Assembly to amend the Town Charter to allow the Town Council to contract with a potential Town Manager to reside outside the limits of the Town of Herndon and to make other housekeeping amendments to clarify the authority of the Town Manager over all employees in general.

Background:
Over the past decade, the Town has observed that the current requirement for the Town Manager to reside within the Town limits creates challenges. Given the Town's geographically limited area within Fairfax County, this restriction often discourages potential applicants who would otherwise be highly suited for the position. To address this, we propose adding language to the Charter that grants the Town Council discretion to negotiate the Town Manager's residence location, including establishing a reasonable distance from the Town rather than requiring residency within Town boundaries. This change will likely enhance recruitment efforts and provide flexibility, if necessary.

Additionally, certain housekeeping amendments are recommended to clarify the Town Manager's responsibilities and authority over all employees, except the Town Attorney. These changes will align the Charter language with Chapter 54 of the Town Code and ensure consistency with general employment law.

The notices for public hearing were duly advertised in the *Fairfax County Times Newspapers* in the Friday, October 24 and October 31, 2025, editions.

Timing Impact:
Pursuant to Virginia Code Section 15.2-202, a locality requesting the General Assembly amend its Charter must hold a public hearing with respect to the amendment. Such

public hearing must be advertised in accordance with Section 15.2-1427 and a Resolution adopting such proposed amendment must be transmitted to the legislator sponsoring the bill by November 15th.

Strategic Focus Area:
Good Governance

Fiscal Impact:
There is no fiscal impact from the proposed Charter amendment.

Legal Impact:
If the proposed amendment is adopted by the Town Council and subsequently by the General Assembly, it would be effective on and after July 1, 2026.

Staff Recommendation/Next Steps:
Adopt the proposed amendment and forward all required documents to the Town's legislators for submission to the 2026 Virginia General Assembly for consideration.

Attachments:
1. Ordinance, Charter Section 4 (Proposed)
2. Legal Ad