Town Council
Regular Meeting
Agenda Item 5.d.

Agenda Item: **Ordinance 25-O-24 to request the 2026 Virginia General Assembly amend the Charter of the Town of Herndon, Chapter 5, regarding appointive offices to clarify that the Town Council shall have two appointive officers; the Town Manager and the Town Attorney and that the Town Manager has authority to employ any deputies and assistants to these appointive officers pursuant to Chapter 54 of the Town Code relating to Personnel**

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 clarify that the Town Council shall have two appointive officers; the Town Manager and the Town Attorney, and that the Town Manager has authority to employ any deputies and assistants to these appointive officers, pursuant to Chapter 54 of the Town Code relating to Personnel.

Background:
The ordinance requests the Virginia General Assembly to amend the Town Charter (Chapter 5) regarding appointive offices. The goal is to clarify that:

- The Town Council shall have two appointive officers: Town Manager and Town Attorney.
- The Town Manager has authority to employ deputies and assistants for these officers under Chapter 54 of the Town Code (Personnel).

Sections amended:

- § 5.1 Appointment of officers, terms, bonds and vacancies
  - Removed:
    - Language allowing the Town Council to appoint multiple officers and delegate appointments broadly.
    - Requirement that all officers, including deputies and assistants, report directly to the Council and Mayor.

- Added (in red):
  - Town Council shall have authority to appoint a Town Manager and Town Attorney.
  - These officers serve at the pleasure of the Council, execute bonds as prescribed, and perform duties required by law and Council.
  - Council may fill vacancies and allow one person to hold two offices except Town Attorney.

- § 5.2 Deputies and assistants
  - Removed:
    - Council's appointment of deputies and assistants.
  - Added (in red):
    - Town Manager is authorized to employ deputies and assistants as needed.

- § 5.8 Residency
  - Added (in red):
    - Residency may be required by contract to be consistent with the requested amendment to § 5.8 Residency.

Sections repealed:

- § 5.3 Term of office (requirements now addressed in § 5.1)
- § 5.4 Bonds (requirements now addressed in § 5.1)
- § 5.5 Vacancies in office (requirements now addressed in § 5.1)
- § 5.6 Appointment of one person to more than one office (requirements now addressed in § 5.1)

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 15, 2025.

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 5 (Proposed)
2. Legal Ad