TOWN OF Herndon VIRGINIA

Town Council Regular Meeting
Agenda Item 5.e.

Agenda Item: **Ordinance 25-O-25 to request the 2026 Virginia General Assembly amend the Charter of the Town of Herndon, Chapter 6.1, to repeal Sec. 6.1:2 regarding deputies and assistants to the Town Attorney**

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 Charter of the Town of Herndon, Chapter 6.1, to repeal Sec. 6.1:2 regarding deputies and assistants to the Town Attorney.

Background:
The current Town Charter authorizes the Town Council to appoint Deputy and Assistant Town Attorneys. Individuals serving in these positions are classified as Town employees, and their recruitment, employment, and termination are governed by Chapter 54 of the Town Code and applicable employment laws. This Charter provision is inconsistent with contemporary legal standards and employment practices. Furthermore, the engagement of outside legal counsel is subject to the requirements of the Virginia Public Procurement Act, rendering the existing Charter language incompatible with state law and legal practices.

Repeal of these provisions is necessary to (i) clarify the Town Manager's authority over all Town employees, and (ii) ensure consistency with Chapter 54 of the Town Code and 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 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 6 (Proposed)
2. Legal Ad