TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL

ORDINANCE

NOVEMBER 12, 2025

Ordinance- **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.**

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

1. The Town Council approves a draft charter bill prepared by the Town Attorney, on file in the Office of the Town Attorney, to reflect amendments to Sec. 4.1, 4.2 relating to Town Manager. This draft bill is incorporated by reference.

2. The Town Council respectfully requests that the General Assembly so amend the Charter for the Town of Herndon (1968), as amended.

3. The citizens or residents at a public hearing on November 12, 2025, were encouraged to, and did state whether they desire the Town to request the 2026 General Assembly to so amend the Town' s charter.

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

An Act to amend and reenact §§ 4.1, 4.2, and 4.3 of Chapter 646 of the 1968 General Assembly, which provided a charter for the Town of Herndon in the County of Fairfax relating to the Town Manager.

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1, 4.2, and 4.3 of Chapter 646 of the 1968 General Assembly are amended and reenacted as follows:

§ 4.1. Appointment.

The town council may appoint a chief administrative officer of the town who shall be called the town manager, fix his salary and delegate to him such administrative duties, powers and responsibilities as it believes to be in the best interest of the town. During his tenure of office the town manager shall reside within the town*, unless the town council contractually provides otherwise*. The town manager shall serve at and during the pleasure of the town council.

§ 4.2. Duties.

It shall be the duty of the town manager to:

(a) With the exception of the Town Manager and the Town Attorney, appoint all department heads, and all other employees of the Town;

~~(a)~~*(b)* Attend all meetings of the town council, with the responsibility to counsel and advise but with no voting rights;

~~(b)~~*(c)* Keep the town council advised of the financial condition and the future needs of the town and of all matters pertaining to its proper administration, and make such recommendations as he deems desirable;

~~(c)~~*(d)* Prepare and submit the annual budget to the town council and be responsible for its administration after its adoption;

~~(d)~~*(e)* Prepare in suitable form for publication and submit to the town council at a regular meeting in September of each year a concise, comprehensive report of the financial transactions and administrative activities of the town government during the immediately preceding fiscal year;

~~(e)~~*(f)* Present adequate financial and activity reports as required by the town council;

~~(f)~~*(g)* Arrange for an annual audit by a certified public accountant, the selection of whom shall be approved by the town council; and

~~(g)~~*(h)* Perform such other duties as may be prescribed by this charter or required in accordance therewith by the mayor or the town council or which may be required of the chief administrative officer of a town by the general laws of the commonwealth other than the duties conferred on the mayor by this charter.

§ 4.3. Temporary transfer of personnel between departments and removal of personnel.

The town manager shall have the power, whenever the interests of the town require, to assign employees of any department, bureau, office or agency under his supervision to the temporary performance of duties in another department, bureau, office or agency. The town manager shall *have the authority to appoint and remove personnel of the town. The town manager shall* not have the right or power to appoint, transfer, or remove the town attorney.