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 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 Personnel.**

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. 5.1, 5.2, and 5.8 and to repeal Sec. 5.3, 5.4, 5.5, and 5.6 relating to appointive officers. 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 §§ 5.1, 5.2, and 5.8 and repeal §§ 5.3, 5.4, 5.5, 5.6 *of Chapter 646 of the 1968 General Assembly, which provided a charter for the Town of Herndon in the County of Fairfax relating to Appointive Officers.*

Be it enacted by the General Assembly of Virginia:

1. That in Chapter 646 of the 1968 General Assembly §§ 5.1, 5.2, and 5.8 are amended and reenacted and §§ 5.3, 5.4, 5.5, 5.6 are repealed as follows:

§ 5.1. Appointment *of officers, terms, bonds and vacancies.*

~~The town council shall appoint a town attorney and deputy town attorneys and may appoint or delegate to the town manager the appointment of such other officers of the town as they deem necessary. The town manager shall be responsible for appointing and supervising the work of the town clerk. Each and every officer appointed by the town council shall be directly responsible to the town council and mayor. Such officers shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this Charter or the council may prescribe.~~

The Town Council shall appoint a Town Manager, and Town Attorney whom shall hold office at and during the pleasure of the Council, and shall execute such bonds as may be prescribed by resolution of the Council and shall perform such duties as are required by general law, as well as such additional duties not inconsistent with general law as this charter or the Council may prescribe; and the Council shall have power to fill any vacancy in any of such offices. Upon the failure of any Council to appoint such officers, all of such officers then in office shall so continue in office until removed by that or a succeeding Council. The same person may be appointed to fill two offices at the discretion of the Council except for Town Attorney.

§ 5.2. Deputies and assistants.

The ~~town council may appoint, or authorize the appointment by the~~ town manager ~~of,~~ *is authorized to employ* such deputies and assistants to appointive offices as they may deem necessary.

~~§ 5.3.Term of office.~~

~~Officers and deputy and assistant officers of the town shall serve at and during the pleasure of the town council. The town council may delegate to the town manager the authority to suspend or remove the officers and employees of the town whose appointment has or may be delegated to the town manager.~~

~~§ 5.4. - Bonds.~~

~~Officers and deputies and assistants appointed by the town council shall execute such bonds as may be required by resolution of the town council.~~

~~§ 5.5. Vacancies in office.~~

~~Vacancies in any appointive office shall be filled by the town council or in the manner prescribed by it but not inconsistent with the general laws or the provisions of this Charter pertaining to the appointment of town officers.~~

~~§ 5.6. Appointment of one person to more than one office.~~

~~The town council may appoint the same person to more than one appointive office.~~

§ 5.7. Reserved.

§ 5.8. Residency of appointive officers and employees.

Appointive officers and employees of the town need not reside within the town, except as specifically specified by the provisions of this Charter or by general law or unless specifically required by the council *by contract*.