TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL

RESOLUTION

NOVEMBER 12, 2025

Resolution- to adopt the Town of Herndon's 2026 Legislative Program

The Mayor and the Town Council annually advise the Town's representatives in the General Assembly of legislation they desire to be advanced, and of legislative positions on important issues.

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

1. The Town generally supports the positions of the Virginia Municipal League (VML) relative to issues and legislation affecting local governments as reflected on Attachment A.

2. The Town specifically supports the positions stated on Attachment B.

3. Following a properly held public hearing as required by Virginia Code Sec. 15.2-202, the Town Council specifically requests that:

    - The 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.

    - The 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.

    - The 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.

- The Virginia General Assembly amend the Charter of the Town of Herndon, Chapter 7 Miscellaneous, to repeal Sec. 7.5 regarding Town of Herndon School Board.

A Copy – Teste:

Margie C. Tacci
Deputy Town Clerk

MOTION: **Lloyd**
SECOND: **Reyes**
RE: **Resolution 25-G-61**
ACTION: **Adopted**

Votes

Ayes: Garcia, Lloyd, Reyes, Mayor LeBlanc
Nays: None
Absent from Vote: Alam, del Aguila, Hedrick
Absent from Meeting: Alam, del Aguila, Hedrick

VML Legislative Committee
2026 Legislative Program
As Amended and Approved by VML Membership
October 13, 2025

Priorities

Local Land Use

Localities must maintain control of local land use decisions. Neither the state nor the federal government should usurp or pre-empt a locality's authority to make such decisions; nor should they impose requirements that weaken planning and land use functions. This includes all types of housing, including but not limited to short-term rentals.

VML also supports local government authority to promote affordable and mixed-income housing as well as the required infrastructure to facility.

Local Revenue Sources

Local tax revenues are primarily derived from real estate, personal property (i.e., car tax), local sales and uses, Business, Professional, Occupational Licensing (BPOL), meals and transient occupancy taxes. These revenues are used to fund each locality's priorities that tend to focus on K-12 education and public safety. VML cannot support initiatives that phase out or eliminate sources of revenue to cities, counties, and towns without a firm commitment of ongoing general fund resources to offset local revenue losses.

Support for Public Education

A General Assembly joint subcommittee continues examining recommendations from the 2023 Joint Legislative Audit and Review Commission (JLARC) report on the Standards of Quality (SOQ), including recommendations on updating the SOQ in the short- and long-run. VML encourages the General Assembly to expeditiously implement and fund the JLARC recommendations to more equitably share the costs of K-12 public education with local governments and to ensure the overall success of students across the Commonwealth.

VML supports solutions to address school construction and renovation needs (estimated at $25.0 billion), including statewide local authority for a local one percent sales tax for school construction by referendum.

VML supports innovation in public schools but opposes efforts to limit local authority or to divert state funds from the public education system.

Legislative Program Items

Accessory Dwelling Units (ADUs)

Localities should retain local land use control when regulating accessory dwelling units.

Assistance to Local Police Departments (HB 599 Program)

Almost 70 percent of Virginians live in communities served by police departments. The State created a program of financial assistance to local police departments (HB 599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium.

VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

Authority for Retired Law Enforcement to Handle Temporary Detention Orders

Allow retired law enforcement officers to handle Temporary Detention Orders (TDO's).

Cannabis Retail Sales – Local Referenda, Land Use, and Revenue Authority

VML urges the Virginia General Assembly to authorize local governments – cities, towns, and counties – to regulate land use and zoning, hold a referendum on retail sales, and tax recreational cannabis retailers.

Clarification of Franchise Fees: Non-monetary Benefits

Clarify that the Code of Virginia's prohibition of franchise fees refers only to monetary fees and does not prevent local governments from negotiating for non-monetary benefits.

Compensation for Wrongful Incarceration for Certain Intentional Acts

VML urges the General Assembly to reconsider recent legislation (H.B. 1914, 2025 General Assembly) related to compensation for wrongful incarceration. Specifically, we urge the General Assembly to provide localities with the same discretion given to the Commonwealth regarding compensation in wrongful incarceration cases in which the person has been declared innocent or received an absolute pardon for a crime the person did not commit. We also request removal of language regarding withholding of state funding to a locality in such cases.

CSA State and Local Funding Partnership

Local governments administer the Children's Services Act (CSA) program on behalf of the state, and local governments share in the funding responsibilities with the state. Local governments have consistently supported efforts to contain costs for the program, particularly the private day special education program. VML adamantly opposes the capping of state funding responsibility for this and any other component of the CSA

program, which simply shifts the funding burden for mandated services onto local governments.

Deed Fraud

VML supports legislation that will assist in reducing the number of fraudulent deed transactions in the Commonwealth.

Housing – Tools for Local Communities to Meet Housing Needs

Understanding the Commonwealth-wide need for more attainable, low-income and affordable housing, we support legislation and funding that enables localities to better meet their housing needs while respecting the critical role that local context and decision-making must play in development and planning.

Local and Regional Juvenile Detention Facilities

Local and regional juvenile detention facilities play an integral role in the continuum of Virginia's juvenile justice system. A major consideration in maintaining the system of local and regional detention facilities is to serve youth closer to their families, their community support systems, the courts with which they are involved, and their legal counsel.

Any state-level discussion of the future of this system, including efforts involving closures or consolidations, must involve the major stakeholders involved in the system, such as members of the juvenile and domestic relations courts system, detention facility managers, and youth/family advocates.

Discussions should also consider regions looking to open facilities to serve their communities and avoid sending youth long distances for placement; include examination of ways the state can improve investments in facilities to update key infrastructure; address behavioral health needs of youth and their families to improve outcomes; and find ways to effectively address state requirements for educational services.

Local Excise Taxes

VML supports the statewide authority for local governments to establish an excise tax on the sale of vaping products. VML also supports the statewide authority for local governments to establish an excise tax on the sale of cannabis products.

Referendum Authority for Towns

VML supports inclusion of towns in any legislation authorizing referenda by local governments, including but not limited to skill games legislation.

Sovereign Immunity

Expanding liability and eroding immunities at the state level across the nation have had a chilling effect on the actions of local government officials contributing to local government insurance problems, creating immense financial risks (particularly for legal costs), and posing a substantial obstacle to the provision of needed public services. The

Virginia General Assembly should strengthen and must maintain the principles of sovereign immunity for local governments and their officials.

State-mandated Tax Policy Changes and Local Revenues

Locally elected officials understand the needs of their community as well as the burden of taxation on their constituents. The Commonwealth should refrain from encroaching upon the responsibility of local officials by imposing additional exemptions from locally generated revenues or imposing additional red tape that make it more difficult to raise revenue in their communities.

Further, VML opposes any state-mandated exemptions to the local option sales tax or to the real estate tax unless the General Assembly can establish a viable revenue replacement to local governments.

Stormwater Local Assistance Funding (SLAF) and Water Quality Improvement Fund (WQIF)

VML Supports the addition of $50 million to the Stormwater Local Assistance Fund (SLAF) in Fiscal Year 2026 to meet documented needs. VML Supports continued full state funding for the Water Quality Improvement Fund (WQIF).

Study of Mandatory Property Tax Exemptions

Real property tax revenues are the mainstay of local government budgets, and state mandates that reduce these revenues place pressure on other local government budget priorities, such as property tax relief for the elderly and disabled, funding for K-12 education, and the appropriate level of taxation for each locality. VML supports the Commonwealth convening a work group (i.e., JLARC or TAX) to analyze the rising cost of mandatory property tax exemptions for disabled veterans and their families, which has increased from $8 million in 2011 to an estimated $284 million in 2025, and make recommendations to address the loss of local revenue.

The Changing Federal Funding Situation

As the federal government fundamentally changes its funding relationship with states, localities, and organizations that serve communities, VML asks that the state prioritize its resources for vital services to help protect and serve children, families, and the most vulnerable in our communities.

Town Of Herndon

2026 Virginia General Assembly Legislative Positions

Land Use

- **Oppose Any Reduction of Local Land Use Authority:** The Town Council opposes legislation that weakens local authority to plan and regulate land use, zoning and property maintenance. This authority should remain with local governing bodies. The Town Council generally supports the granting of additional land use, zoning, and property maintenance authority to localities, especially in areas experiencing high rates of sustained growth, and to address the fiscal burdens experienced by localities in providing needed public services to local residents. The Town Council supports existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development and opposes legislation to eliminate or restrict that authority.
- **Wireless Communication Facility Placement:** The Town Council opposes any legislation that limits the Town's authority to regulate the placement of wireless communication facilities in Town right-of-way and on Town-owned facilities and rental and permit fees related to such equipment.

Environment

- **Tree Save Efforts:** The Town Council supports efforts that would strengthen localities' ability to require private new construction projects to save existing trees.
- **Regional Greenhouse Gas Initiative:** The Town Council supports the Commonwealth of Virginia rejoining the Regional Greenhouse Gas Initiative (RGGI) as an important step in improving public health, reducing air pollution, and investing in community resilience. Participation in RGGI provides essential funding for energy efficiency and flood mitigation programs that directly benefit local governments and residents.

Transportation

- **State Oversight of Locally Administered Projects:** The Town Council supports state policy changes to reduce state oversight of locally administered transportation projects to create greater efficiency.
- **VDOT Cost Estimates:** The Town Council supports state policy changes to mandate further refinement of VDOT cost estimates for transportation projects to improve accuracy. In those circumstances when there are excess funds on a specific project, allow those funds to be reallocated to other transportation projects more efficiently.

Utilities

- **Chesapeake Bay TMDL and State Water Quality Management Planning Regulation:** The Town Council urges the Commonwealth of Virginia to provide adequate funding for state and federally mandated capital improvements for TMDL, water quality, and lead abatement (public and private water systems/services).

Finance

- **State Funding for School Resource Officers:** The Town Council supports legislation that would provide state funding for school resource officers at all public elementary, middle and high schools.
- **Bills of Financial Impact to the Town:** The Town Council supports reinstatement of the requirement that bills resulting in a net expenditure and/or net decrease in revenue for local governments be filed on or before the first day the legislature convenes.
- **Business, Professional and Occupational License (BPOL) Taxes:** The Town Council opposes any legislation that would eliminate the BPOL tax, unless current revenue from the BPOL tax is replaced with new local revenue that is distributed directly to each locality based on point of sale. Further, the Town Council requests that if the BPOL tax is eliminated, localities be granted the authority to issue an annual license to businesses physically located within the locality for a nominal fee to recover administrative costs necessary for the collection of requisite information for other business processes and state mandated reporting.
- **Marijuana Sales Tax:** If authorized, the Town Council supports the Commonwealth of Virginia centrally collecting taxes on marijuana sales and distributing the tax on a monthly basis to each jurisdiction (counties, cities, and towns) based where the local portion of the tax was assessed and collected.
- **Vape Sales Tax:** The Town Council supports Commonwealth legislation related to the taxation of vape and liquid nicotine products specifically authorizing municipalities including towns to Levy a local excise or sales tax on vape product sales conducted within town boundaries and retain and use collected revenues at the local level to address community-specific needs

General

- **Marijuana Regulations:** The Town Council requests that the General Assembly take action to clarify state and local roles and responsibilities pertaining to marijuana rules and regulations.
- **More Authority for Large Towns: When** crafting legislation that impacts localities, the General Assembly, when practicable, should grant large towns the same authorities that are granted to cities and counties.
- **Oppose Any Reduction of Local Taxing Authority:** The Town Council opposes any reduction or narrowing of the taxing authority of local governments, including but not limited to business license tax, machinery& tools tax, sales tax, and meals tax. Further, the General Assembly should take no action to restrict the use of current local revenue sources.

- **Oppose Any Unfunded Mandates:** The Town Council opposes any new state mandates that are not fully funded by the Commonwealth and opposes the shifting of fiscal responsibility from the state to localities for existing programs.
- **Support Revenue Sharing with State:** The Town Council supports any state revenue sharing formula to assist local governments with public infrastructure needs. The formula should include recognition of the needs in high growth localities.
- **Legal Notice Publication:** The Town Council supports legislation that would give localities the authority to post legal notices on the locality's official website as a substitute for publishing legal notices in print newspapers.