

HOUSE BILL NO. 887

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns

on _____)

(Patron Prior to Substitute—Delegate Shin)

A BILL to amend and reenact §§ 4.1 and 4.2 and §§ 4.3, 5.1, 5.2, and 5.8, as severally amended, of Chapter 646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in Fairfax County, and to repeal §§ 5.3, 5.4, 5.5, 5.6, 6.1:2, and 7.5 of Chapter 646 of the Acts of Assembly of 1968, relating to town manager, town employees, town attorney.

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1 and 4.2 and §§ 4.3, 5.1, 5.2, and 5.8, as severally amended, of Chapter 646 of the Acts of Assembly of 1968 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;* (b) attend all meetings of the town council, with the responsibility to council 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; (e) (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~~ *mayor* or the town council or

32 which may be required of the chief administrative officer of a town by the general laws of the
33 Commonwealth other than the duties conferred on the mayor by this charter.

34 § 4.3. Temporary transfer of personnel between departments and removal of personnel.

35 The town manager shall have the power, whenever the interests of the town require, to assign employees
36 of any department, bureau, office or agency under his supervision to the temporary performance of duties in
37 another department, bureau, office or agency. The town manager shall *have the authority to appoint and*
38 *remove personnel of the town. The town manager shall* not have the right or power to appoint, transfer, or
39 remove the town attorney ~~or deputy town attorneys, but the town council may delegate to the town manager~~
40 ~~the authority to appoint and remove other personnel.~~

41 § 5.1. Appointments *Appointment of officers, terms, bonds and vacancies.*

42 The town council shall appoint a *town manager and town attorney who shall hold office at and during the*
43 *pleasure of the council, shall execute such bonds as may be prescribed by resolution of the council and*
44 ~~deputy town attorneys and may appoint or delegate to the town manager the appointment of such other~~
45 ~~officers of the town as they deem necessary. The town manager shall be responsible for appointing and~~
46 ~~supervising the work of the town clerk. Each and every officer appointed by the town council shall be directly~~
47 ~~responsible to the town council and mayor. Such officers shall perform such duties as are required by general~~
48 ~~law, as well as such additional duties not inconsistent with general law as this charter or the council may~~
49 ~~prescribe, and the council shall have power to fill any vacancy in any of such offices. Upon the failure of any~~
50 ~~council to appoint such officers, all of such officers then in office shall so continue in office until removed by~~
51 ~~that or a succeeding council. The same person may be appointed to fill two offices at the discretion of the~~
52 ~~council, except for the town attorney.~~

53 § 5.2. Deputies and assistants.

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

56 § 5.8. Residency of appointive officers and employees.

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

60 **2. That §§ 5.3, 5.4, 5.5, 5.6, 6.1:2, and 7.5 of Chapter 646 of the Acts of Assembly of 1968 are repealed.**