

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 4.1 and 4.2 and §§ 4.3, 5.1, 5.2, and 5.8, as severally amended, of Chapter*
 3 *646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in Fairfax*
 4 *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,*
 5 *relating to town manager, town employees, town attorney.*

6 [H 887]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **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**
 10 **Assembly of 1968 are amended and reenacted as follows:**

11 § 4.1. Appointment.

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

17 § 4.2. Duties.

18 It shall be the duty of the town manager to (a) *with the exception of the town manager and the town*
 19 *attorney, appoint all department heads, and all other employees of the town;* (b) attend all meetings of the
 20 town council, with the responsibility to council and advise but with no voting rights; ~~(b)~~ (c) keep the town
 21 council advised of the financial condition and the future needs of the town and of all matters pertaining to its
 22 proper administration, and make such recommendations as he deems desirable; ~~(c)~~ (d) prepare and submit
 23 the annual budget to the town council and be responsible for its administration after its adoption; ~~(d)~~ (e)
 24 prepare in suitable form for publication and submit to the town council at a regular meeting in September of
 25 each year a concise, comprehensive report of the financial transactions and administrative activities of the
 26 town government during the immediately preceding fiscal year; ~~(e)~~ (f) present adequate financial and activity
 27 reports as required by the town council; ~~(f)~~ (g) arrange for an annual audit by a certified public accountant,
 28 the selection of whom shall be approved by the town council; and ~~(g)~~ (h) perform such other duties as may be
 29 prescribed by this charter or required in accordance therewith by the ~~Mayor~~ mayor or the town council or
 30 which may be required of the chief administrative officer of a town by the general laws of the
 31 Commonwealth other than the duties conferred on the mayor by this charter.

32 § 4.3. Temporary transfer of personnel between departments and removal of personnel.

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

39 ~~§ 5.1. Appointments~~ Appointment of officers, terms, bonds and vacancies.

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

51 § 5.2. Deputies and assistants.

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

54 § 5.8. Residency of appointive officers and employees.

55 Appointive officers and employees of the town need not reside within the town, except as specifically
 56 specified by the provisions of the charter or by general law or unless specifically required by the council by

57 *contract.*

58 **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.**