

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
MAY 19, 2020
7:00 P.M.**

The meeting is being held electronically pursuant to Virginia Code Section 2.2-3708.2, as amended; the Order of the Governor EO-53, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19) ~ adopted on March 24, 2020 by the Herndon Town Council, as amended. Public comments will be received through the town clerk at town.clerk@herndon-va.gov.

CALL TO ORDER

1. Roll Call & Determination of Quorum.
2. Comments from the Town Manager.

PUBLIC HEARINGS

3. Ordinance 20-O-27, to amend Chapter 63 (SOLID WASTE), Sec. 63-8 (Schedule of fees), for an increase in the recyclables fee to \$16.00 per quarter. (The current fee is \$8.00 per quarter.)
4. Ordinance 20-O-28, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2021 budget.
5. Resolution 20-G-16, to adopt a Fiscal Planning Resolution for the Fiscal Year 2021 budget for the Town of Herndon, to consider the proposed total budget as submitted to the town council. [The budget includes the Fiscal Year 2021 portion of the Capital Improvements Program (CIP)].
6. Ordinance 20-O-29, to Appropriate Funds to Implement the Fiscal Year 2021 budget for the Town of Herndon, establishing the pay plan, and reserving on-going and capital funding for this fiscal year.

GENERAL

7. Ordinance, to amend Ordinance 20-O-23 adopted on March 24, 2020, as amended, to clarify electronic meeting procedures and provide for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

ROUNDTABLE

STAFF REPORT

Town Council

May 5, 2020

Title:

Ordinance - to amend Chapter 63 (SOLID WASTE), Sections 63-8 of the Code of the Town of Herndon, regarding schedule of fees for recyclables.

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
(e-mail) tammy.chastain@herndon-va.gov

Background:

The proposed ordinance recommends fee changes to the Recycling Fee. The changes will increase the Recycling Fee from \$8.00 per quarter to \$16.00 per quarter. The recycling fee was last increased in 2018 when it was changed from \$4.00 per quarter to \$8.00 per quarter, and prior to that it was last changed in 2010 when it was changed from \$2.50 per quarter to \$4.00 per quarter.

Since this time the recycling industry has changed drastically, commodity prices are no longer as they once were and processing costs have continued to increase, while tonnages have either remained the same or increased. As a result, the town no longer receives rebates that fully cover the cost to recycle and the town currently pays monthly for recycling processing. The current fee offsets 42% of the costs of recycling, and the proposed fee will offset 83% of the recycling costs.

These changes will address some of the costs incurred due to increased costs to recycle proper material at the Material Recovery Facility.

Fiscal Impact:

The Recycling Fee is increased from \$8.00 per quarter to \$16.00 per quarter.

Expected revenue:

Recycling Fee revenue will increase from \$196,000 to \$392,000

Staff Recommendation:

May 5, 2020

Staff Report – Ordinance to amend Chapter 63 (SOLID WASTE) regarding schedule of fees for recyclables

Page 2

Staff recommends Town Council approve the Ordinance to amend Chapter 63 Solid Waste.

Attachments:

Draft Ordinance

Staff:

A handwritten signature in black ink, appearing to read "Tammy Chastain", written over a horizontal line.

Tammy Chastain

Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 26, 2020

Ordinance- to amend Chapter 63 (SOLID WASTE), Section 63-8 of the Code of the Town of Herndon, regarding schedule of fees for recyclables.

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

1. The following sections of the Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 63-8. - Schedule of fees.

- (a) *Fees.* The town council imposes the following fees on the owner, lessee, occupant, person in control of the premises, or the generator of the MSW or recyclables, as appropriate, for MSW and recyclables collected by the town.

- (b) *Miscellaneous fees.* The town council establishes and imposes the following fees:

- (1) Recyclables (per quarter) ~~\$8.00~~ **\$16.00**

This fee shall not be prorated or refundable and shall be payable with and under the same terms as water bill payments.

2. This ordinance shall be effective on and after July 1, 2020.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 26, 2020

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2021 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2020 and ending June 30, 2021, as follows:

Real Estate

On each \$100.00 of the valuation of real estate and improvements to the Town.
\$.2650

Personal Property and Merchants' Capital

On each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.
\$.00

Vehicles Used as Manufactured Homes and Offices

On each \$100.00 of the valuation of vehicles without motive power, used or designed to be used as manufactured homes as classified by Section 58.1-3506(A), paragraph 10, of the Code of Virginia.
\$.2650

Farm Machinery, Farm Tools and Farm Livestock

On each \$100.00 of the valuation of farm machinery, farm tools and farm livestock as classified by Section 58.1-3505 of the Code of Virginia.
\$.00

Machinery and Tools

On each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.
\$.00

Other Classifications of Tangible Personal Property

On each \$100.00 of the valuation of tangible personal property as classified by Section 58.1-3506 [except for Section 58.1-3506(A), paragraph 10] of the Code of Virginia.
\$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the Fiscal Year 2019-2020.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

MAY 26, 2020

Resolution- to adopt a fiscal planning resolution for the Fiscal Year 2021 Budget for the Town of Herndon.

WHEREAS, the Town Manager of the Town of Herndon, Virginia, has submitted to the Town Council of the Town of Herndon, Virginia, a proposed budget; and

WHEREAS, the town properly advertised the May 12 and May 26, 2020 public hearings on the budget; and

WHEREAS, it is the intent of the Town Council of the Town of Herndon, Virginia, to adopt the proposed budget with amendments, if any.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2020-2021 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed FY 2021 Budget" dated April 1, 2020, on file in the office of the Town Manager, as amended on May 1, 2020 to remove the 1.5% market rate adjustment and 2.0% pay-for-performance compensation increases for town employees and reduce the contingency line item by \$56,249, as shown in Attachment 1.

GENERAL FUND				
			Amendments to FY	
Department	Category	Original FY 2021 Proposed Budget	2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	468,521	(9,347)	459,174
	Operations & Maintenance	98,150	-	98,150
Town Clerk Total		566,671	(9,347)	557,324
	Personnel	392,416	(8,419)	383,997
	Operations & Maintenance	71,400	-	71,400
Communications & Economic		463,816	(8,419)	455,397
	Personnel	392,763	(6,822)	385,941
	Operations & Maintenance	40,550	-	40,550
Town Manager Total		433,313	(6,822)	426,491
	Personnel	460,144	(11,244)	448,900
	Operations & Maintenance	148,147	-	148,147
Human Resources Total		608,291	(11,244)	597,047
	Personnel	774,872	(18,339)	756,533
	Operations & Maintenance	944,986	-	944,986
	Capital	50,500	-	50,500
Information Technology Total		1,770,358	(18,339)	1,752,019
	Personnel	692,049	(11,454)	680,595
	Operations & Maintenance	134,450	-	134,450
Parks & Recreation Administration		826,499	(11,454)	815,045
	Personnel	759,029	(11,925)	747,104
	Operations & Maintenance	726,925	-	726,925
Recreation Programs Total		1,485,954	(11,925)	1,474,029
	Personnel	1,030,029	(15,980)	1,014,049
	Operations & Maintenance	209,175	-	209,175
Community Center Operations Total		1,239,204	(15,980)	1,223,224
	Personnel	778,318	(6,908)	771,410
	Operations & Maintenance	164,230	-	164,230
Aquatics Total		942,548	(6,908)	935,640
	Personnel	111,629	(1,177)	110,452
	Operations & Maintenance	92,150	-	92,150
Parks Total		203,779	(1,177)	202,602
	Personnel	382,302	(7,774)	374,528
	Operations & Maintenance	105,615	-	105,615
Finance Administration Total		487,917	(7,774)	480,143
	Personnel	579,832	(13,443)	566,389
	Operations & Maintenance	31,135	-	31,135
Finance Accounting Total		610,967	(13,443)	597,524
	Personnel	295,582	(6,067)	289,515
	Operations & Maintenance	33,845	-	33,845
Finance Revenue Total		329,427	(6,067)	323,360
	Personnel	124,452	(1,629)	122,823
	Operations & Maintenance	2,605	-	2,605
Finance Procurement Total		127,057	(1,629)	125,428

GENERAL FUND				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY 2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	1,911,187	(31,734)	1,879,453
	Operations & Maintenance	119,550	-	119,550
Community Development Admin Total		2,030,737	(31,734)	1,999,003
	Personnel	203,070	(4,639)	198,431
	Operations & Maintenance	4,900	-	4,900
Community Inspections Total		207,970	(4,639)	203,331
	Personnel	5,288,521	(102,164)	5,186,357
	Operations & Maintenance	191,500	-	191,500
	Capital	249,700	-	249,700
Police Operations Total		5,729,721	(102,164)	5,627,557
	Personnel	4,095,619	(85,720)	4,009,899
	Operations & Maintenance	646,850	-	646,850
Police Support Total		4,742,469	(85,720)	4,656,749
	Personnel	846,303	(16,277)	830,026
	Operations & Maintenance	26,689	-	26,689
DPW Administration Total		872,992	(16,277)	856,715
	Personnel	671,136	(12,208)	658,928
	Operations & Maintenance	189,100	-	189,100
DPW Engineering Total		860,236	(12,208)	848,028
	Personnel	251,505	(5,804)	245,701
	Operations & Maintenance	400,100	-	400,100
DPW Project Management Total		651,605	(5,804)	645,801
	Personnel	533,355	(11,628)	521,727
	Operations & Maintenance	106,571	-	106,571
DPW Building Inspections Total		639,926	(11,628)	628,298
	Personnel	524,165	(10,617)	513,548
	Operations & Maintenance	914,900	-	914,900
DPW Building Maintenance Total		1,439,065	(10,617)	1,428,448
	Personnel	807,843	(15,315)	792,528
	Operations & Maintenance	303,900	-	303,900
DPW Grounds Total		1,111,743	(15,315)	1,096,428
	Personnel	766,872	(16,641)	750,231
	Operations & Maintenance	1,074,250	-	1,074,250
DPW Streets Total		1,841,122	(16,641)	1,824,481
	Personnel	1,119,417	(23,485)	1,095,932
	Operations & Maintenance	856,900	-	856,900
DPW Refuse Total		1,976,317	(23,485)	1,952,832
	Personnel	829,453	(16,995)	812,458
	Operations & Maintenance	416,750	-	416,750
	Capital	969,504	-	969,504
DPW General Services Total		2,215,707	(16,995)	2,198,712
	Personnel	259,761	(4,314)	255,447
	Operations & Maintenance	120,500	-	120,500
	Capital	20,000	-	20,000
DPW Traffic Total		400,261	(4,314)	395,947

GENERAL FUND				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY 2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	316,118	(4,486)	311,632
	Operations & Maintenance	10,200	-	10,200
	Capital	4,000	-	4,000
DPW Right of Way Total		330,318	(4,486)	325,832
	Personnel	702,939	(16,196)	686,743
	Operations & Maintenance	160,050	-	160,050
Town Attorney Total		862,989	(16,196)	846,793
	Interfund Transfers	977,000	-	977,000
	Non-departmental	634,900	(56,249)	578,651
	Debt Service	1,750,121	-	1,750,121
Total, General Fund		39,371,000	(565,000)	38,806,000

Water & Sewer Fund				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY	
			2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	209,435	(5,467)	203,968
	Operations & Maintenance	78,400	-	78,400
	Capital	-	-	-
Total Customer Service		287,835	(5,467)	282,368
	Personnel	549,033	(10,387)	538,646
	Operations & Maintenance	3,143,100	-	3,143,100
	Capital	3,041,200	-	3,041,200
Total Sewer Service		6,733,333	(10,387)	6,722,946
	Personnel	442,288	(8,355)	433,933
	Operations & Maintenance	1,853,300	-	1,853,300
	Capital	2,844,200	-	2,844,200
Total Water Service		5,139,788	(8,355)	5,131,433
Non-departmental		570,244	-	570,244
Debt Service		361,888	-	361,888
Total, Water & Sewer Fund		13,093,088	(24,209)	13,068,879

Cemetery Fund				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY	
			2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	406,590	(9,756)	396,834
	Operations & Maintenance	181,350	-	181,350
	Capital	137,568	-	137,568
	Non-departmental	69,040	-	69,040
	Debt Service	182,800	-	182,800
Total Cemetery		977,348	(9,756)	967,592

Golf Fund				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY	
			2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Personnel	514,202	(9,327)	504,875
	Operations & Maintenance	239,000	-	239,000
	Capital	-	-	-
Total Golf Course Maintenance		753,202	(9,327)	743,875
	Personnel	468,348	(9,740)	458,608
	Operations & Maintenance	113,300	-	113,300
	Capital	-	-	-
Total Golf Clubhouse		581,648	(9,740)	571,908
Non-departmental		60,800	-	60,800
Debt Service		130,700	-	130,700
Total Golf Fund		1,526,350	(19,067)	1,507,283

Downtown Parking Fund				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY	
			2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Operations & Maintenance	15,000	-	15,000
	Capital	1,100,000	-	1,100,000
	Debt Service	200,000	-	200,000
Total Downtown Parking Fund		1,315,000	-	1,315,000
Capital Projects Fund				
Department	Category	Original FY 2021 Proposed Budget	Amendments to FY	
			2021 Proposed Budget	Revised Proposed FY 2021 Budget
	Transportation, Capital	2,240,000	-	2,240,000
	General Government, Capital	1,856,000	-	1,856,000
	Stormwater Management, Capital	1,300,000	-	1,300,000
Total Capital Projects Fund		5,396,000	-	5,396,000
Grand Total		61,678,786	(618,032)	61,060,754

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 26, 2020

Ordinance- to appropriate funds to implement the Fiscal Year 2021 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.

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

1. There is appropriated for expenditure during the Fiscal Year 2020-2021 \$61,060,754, as set out in "Proposed FY 2021 Budget" dated April 1, 2020, on file in the office of the Town Manager, amended on May 1, 2020 as set out in the Fiscal Planning Resolution and detailed in Attachment 1, and as may be subsequently modified by the Town Council.
2. There is authorized for expenditure during the Fiscal Year 2020-2021 \$49,513,057, based on the "Proposed FY 2021 Budget" dated April 1, 2020, on file in the office of the Town Manager, amended on May 1, 2020 as set out in the Fiscal Planning Resolution, initial FY 2021 revenue estimates presented to the Town Council on May 5 and May 12, 2020, and detailed in Attachment 1.
3. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with this ordinance, with supplemental appropriations, or with additional authorizations as may be made by the Town Council.
4. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.
5. The 2020-2021 proposed schedule of salaries, set out in the "Proposed FY 2021 Budget" dated April 1, 2020, are adopted effective July 1, 2020.
6. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the "Proposed FY 2021 Budget" for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
7. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2020-2021 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2020, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2020-2021 and to report to the Mayor and Town Council in this regard.

GENERAL FUND				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	459,174	37,462	421,712
	Operations & Maintenance	98,150	37,850	60,300
Town Clerk Total		557,324	75,312	482,012
	Personnel	383,997	1,059	382,938
	Operations & Maintenance	71,400	38,275	33,125
Communications & Economic		455,397	39,334	416,063
	Personnel	385,941	-	385,941
	Operations & Maintenance	40,550	20,100	20,450
Town Manager Total		426,491	20,100	406,391
	Personnel	448,900	-	448,900
	Operations & Maintenance	148,147	89,172	58,975
Human Resources Total		597,047	89,172	507,875
	Personnel	756,533	23,145	733,388
	Operations & Maintenance	944,986	258,900	686,086
	Capital	50,500	36,000	14,500
Information Technology Total		1,752,019	318,045	1,433,974
	Personnel	680,595	969	679,626
	Operations & Maintenance	134,450	46,750	87,700
Parks & Recreation Administration		815,045	47,719	767,326
	Personnel	747,104	177,771	569,333
	Operations & Maintenance	726,925	594,075	132,850
Recreation Programs Total		1,474,029	771,846	702,183
	Personnel	1,014,049	156,314	857,735
	Operations & Maintenance	209,175	101,625	107,550
Community Center Operations Total		1,223,224	257,939	965,285
	Personnel	771,410	241,459	529,951
	Operations & Maintenance	164,230	50,850	113,380
Aquatics Total		935,640	292,309	643,331
	Personnel	110,452	43,491	66,961
	Operations & Maintenance	92,150	37,375	54,775
Parks Total		202,602	80,866	121,736
	Personnel	374,528	-	374,528
	Operations & Maintenance	105,615	46,904	58,711
Finance Administration Total		480,143	46,904	433,239
	Personnel	566,389	1,615	564,774
	Operations & Maintenance	31,135	8,928	22,208
Finance Accounting Total		597,524	10,542	586,982
	Personnel	289,515	5,921	283,594
	Operations & Maintenance	33,845	3,365	30,480
Finance Revenue Total		323,360	9,286	314,074
	Personnel	122,823	-	122,823
	Operations & Maintenance	2,605	1,533	1,073
Finance Procurement Total		125,428	1,533	123,896

GENERAL FUND				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	1,879,453	431	1,879,022
	Operations & Maintenance	119,550	49,775	69,775
Community Development Admin Total		1,999,003	50,206	1,948,797
	Personnel	198,431	4,228	194,203
	Operations & Maintenance	4,900	1,200	3,700
Community Inspections Total		203,331	5,428	197,903
	Personnel	5,186,357	-	5,186,357
	Operations & Maintenance	191,500	1,500	190,000
	Capital	249,700	198,400	51,300
Police Operations Total		5,627,557	199,900	5,427,657
	Personnel	4,009,899	10,765	3,999,134
	Operations & Maintenance	646,850	13,500	633,350
Police Support Total		4,656,749	24,265	4,632,484
	Personnel	830,026	7,751	822,275
	Operations & Maintenance	26,689	7,740	18,949
DPW Administration Total		856,715	15,491	841,224
	Personnel	658,928	-	658,928
	Operations & Maintenance	189,100	79,850	109,250
DPW Engineering Total		848,028	79,850	768,178
	Personnel	245,701	108	245,593
	Operations & Maintenance	400,100	97,725	302,375
DPW Project Management Total		645,801	97,833	547,968
	Personnel	521,727	-	521,727
	Operations & Maintenance	106,571	8,575	97,996
DPW Building Inspections Total		628,298	8,575	619,723
	Personnel	513,548	8,074	505,474
	Operations & Maintenance	914,900	103,275	811,625
DPW Building Maintenance Total		1,428,448	111,349	1,317,099
	Personnel	792,528	10,765	781,763
	Operations & Maintenance	303,900	73,600	230,300
DPW Grounds Total		1,096,428	84,365	1,012,063
	Personnel	750,231	13,995	736,237
	Operations & Maintenance	1,074,250	400,150	674,100
DPW Streets Total		1,824,481	414,145	1,410,337
	Personnel	1,095,932	10,765	1,085,167
	Operations & Maintenance	856,900	164,800	692,100
DPW Refuse Total		1,952,832	175,565	1,777,267
	Personnel	812,458	5,383	807,076
	Operations & Maintenance	416,750	100,575	316,175
	Capital	969,504	719,504	250,000
DPW General Services Total		2,198,712	825,462	1,373,251
	Personnel	255,447	3,230	252,218
	Operations & Maintenance	120,500	1,300	119,200
	Capital	20,000	20,000	-
DPW Traffic Total		395,947	24,530	371,418

GENERAL FUND				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	311,632	1,077	310,556
	Operations & Maintenance	10,200	925	9,275
	Capital	4,000	4,000	-
DPW Right of Way Total		325,832	6,002	319,831
	Personnel	686,743	10,334	676,409
	Operations & Maintenance	160,050	54,294	105,756
Town Attorney Total		846,793	64,628	782,165
Interfund Transfers		977,000	977,000	-
Non-departmental		578,651	276,200	302,451
Debt Service		1,750,121	-	1,750,121
Total General Fund		38,806,000	5,501,697	33,304,303

Water & Sewer Fund				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	203,968	-	203,968
	Operations & Maintenance	78,400	-	78,400
	Capital	-	-	-
Total Customer Service		282,368	-	282,368
	Personnel	538,646	-	538,646
	Operations & Maintenance	3,143,100	-	3,143,100
	Capital	3,041,200	2,100,000	941,200
Total Sewer Service		6,722,946	2,100,000	4,622,946
	Personnel	433,933	-	433,933
	Operations & Maintenance	1,853,300	-	1,853,300
	Capital	2,844,200	2,090,000	754,200
Total Water Service		5,131,433	2,090,000	3,041,433
	Non-departmental	570,244	-	570,244
	Debt Service	361,888	-	361,888
Total Water & Sewer Fund		13,068,879	4,190,000	8,878,879

Cemetery Fund				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	396,834	-	396,834
	Operations & Maintenance	181,350	-	181,350
	Capital	137,568	-	137,568
	Non-departmental	69,040	-	69,040
	Debt Service	182,800	-	182,800
Total Cemetery Fund		967,592	-	967,592

Golf Fund				
Department	Category	FY 2021 Budget Appropriations	Sequestered Amounts	FY2021 Authorizations
	Personnel	504,875	-	504,875
	Operations & Maintenance	239,000	-	239,000
	Capital	-	-	-
Total Golf Course Maintenance		743,875	-	743,875
	Personnel	458,608	-	458,608
	Operations & Maintenance	113,300	-	113,300
	Capital	-	-	-
Total Golf Clubhouse		571,908	-	571,908
	Non-departmental	60,800	-	60,800
	Debt Service	130,700	-	130,700
Total Golf Fund		1,507,283	-	1,507,283

Downtown Parking Fund			
Department	Category	FY 2021 Budget Appropriations	FY2021 Authorizations
	Operations & Maintenance	15,000	15,000
	Capital	1,100,000	1,100,000
	Debt Service	200,000	200,000
Total Downtown Parking Fund		1,315,000	1,315,000

Capital Projects Fund			
Department	Category	FY 2021 Budget Appropriations	FY2021 Authorizations
	Transportation, Capital	2,240,000	2,240,000
	General Government, Capital	1,856,000	-
	Stormwater Management, Capital	1,300,000	1,300,000
Total Capital Projects Fund		5,396,000	3,540,000
Grand Total		61,060,754	49,513,057



STAFF REPORT

Town Council
May 19, 2020

Title:

Ordinance - to amend Ordinance 20-O-23 adopted on March 24, 2020, as amended, to clarify electronic meeting procedures, provide authorization to the Town Manager regarding actions necessary for phased re-opening and provide for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703)787-7370
lesa.yeatts@herndon-va.gov

Description:

On March 24, 2020 Town Council adopted Ordinance 20-O-23 "Continuity of Governmental Operations during Pandemic Disaster (COVID-19)" pursuant to the authority granted by Virginia Code §15.2-1413 which authorizes the Town to adopt ordinances that "provide a method to assure continuity in its government" in the event of a disaster. The COVID-19 emergency is a type of disaster contemplated by this statute. The Town's Continuity of Government Ordinance was first amended on April 28, 2020, when Ordinance 20-O-26 was adopted to suspend certain deadlines and extend others related to development. This second amendment to 20-O-23 will further clarify electronic meeting procedures, give further authorization to the Town Manager regarding phased re-opening and provide for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

Background:

In response to the various Federal, State and local declarations of emergency and Executive Orders of the Governor of Virginia the Town in March adopted its Continuity of Government Ordinance 20-O-23. Thereafter, events have made amendment of the ordinance necessary.

Most recently, due to state amendments to electronic meeting regulations and the realization that the increase in Covid-19 cases in the region may make it unlikely that the Town Council and Town Boards and Commissions will be able to safely meet in person in the near future, further clarification of the Town's electronic meeting procedures is desirable.

Since the adoption of the Continuity of Government Ordinance on March 24th, the Town has advanced numerous improvements and additions to its electronic meeting capabilities including

- Public Hearings are broadcast through Webex, Granicus on the town's website, and HCTV CORP- COX CHANNEL 23- VERIZON CHANNEL 28
- Ability of Councilmembers, Boardmembers, citizens, applicants, etc. to participate in the meetings remotely
- Detailed instructions for joining Webex and public participation posted on the town's website and on the screen during the meeting
- Different options for participating – including by phone, computer, tablet, iPad

Another function of this amendment is to give the Town Manager authority to approve and sign instruments necessary to address the anticipated phased re-opening. The amendment provides that any action of the Manager would only be effective until the next regularly scheduled Town Council meeting. At that time the Town Council may ratify and extend the time for which the Town Manager's action remains in effect.

Finally, the amendment includes specific language to provide for the resumption of normal government practices and procedures upon the conclusion of the declared disaster as required by Virginia Code §15.2-1413.

These amendments will promote further continuity and transparency of governmental functions.

Fiscal Impact:

None.

Recommendation:

That the Town Council approve the Ordinance as proposed.

Attachments:

1. Proposed Ordinance
2. Exhibit – Ordinance 20-O-23
3. Exhibit – Ordinance 20-O-26

Staff Report
May 19, 2020
Page 3

Prepared and Approved By:

A handwritten signature in cursive script that reads "Lesa J. Yeatts". The signature is written in black ink and is positioned above a horizontal line.

Lesa J. Yeatts, Town Attorney

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MAY 26, 2020

Ordinance - to amend Ordinance 20-O-23 adopted on March 24, 2020, as amended, to clarify electronic meeting procedures, provide authorization to the Town Manager regarding actions necessary for phased re-opening and provide for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

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

WHEREAS, on March 24, 2020, Town Council adopted Ordinance 20-O-23 addressing Continuity of Governmental Operations during Pandemic Disaster (COVID-19); and

WHEREAS, on April 28, 2020, Town Council adopted a first amendment 20-O-26; and

WHEREAS, it has become necessary to make a second amendment to this Ordinance in order to clarify electronic meeting procedures and provide for resumption of normal government practices and procedures upon the conclusion of the declared disaster.

NOW, THEREFORE, BE IT ORDAINED

- a. that any meeting or activities which require the physical presence of members of the Town Council or any of the Town's boards or commissions may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
- b. prior to holding any such electronic meeting, the entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
- c. any such electronic meeting shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify members physically and/or electronically present; identify process for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. any such electronic meeting shall be open to electronic participation by the public and closed to in-person participation by the public; and
- e. during the operation of this Ordinance general public comment on non-public hearing items is suspended.

- f. for any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through electronic means during the course of the electronic meeting. All such public comments will be provided to members of the public body at or before the electronic meeting and made part of the record for such meeting; and
- g. the minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The entity may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

IT IS FURTHER ORDAINED that nothing in this ordinance shall prohibit the public entity from holding in-person public meetings provided that the Town Manager has approved resumption of such meetings and public health and safety measures as well as social distancing are put into place.

IT IS FURTHER ORDAINED that the Town Manager is hereby temporarily authorized to approve and sign instruments necessary to address the phased re-opening. The Manager's actions will only be effective until the next regularly scheduled Town Council meeting. At that time the Town Council may ratify and extend the time for which the Town Manager's action remains in effect.

IT IS FURTHER ORDAINED that upon rescission of this ordinance, as amended, or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume.

IT IS FURTHER ORDAINED that this Ordinance to Amend Ordinance 20-O-23 shall be effective upon its adoption.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MARCH 24, 2020

Ordinance- to Implement Emergency Procedures and Effectuate Temporary Changes to Address Continuity of Governmental Operations during Pandemic Disaster (COVID-19).

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

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a disaster as defined by Virginia Code Section 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and

WHEREAS, on March 24, 2020, the Town's Emergency Management Coordinator issued a Declaration of Emergency and Disaster, applicable throughout the entire Town of Herndon, Virginia pursuant to the Town's Emergency Management Plan and Virginia Code Sections 44-146.21; and

WHEREAS, also on March 24, 2020 the Town Council affirmed the existence of a disaster and declared a state of emergency and disaster throughout the entire Town that remains active; and

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code Section 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency "proceed without

regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code Section 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of Town Council may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, federal and state guidance from the executive branch has recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, due to the Declaration of Emergency and Disaster and the limitations on interpersonal contacts and public gatherings it is necessary to delegate to the Town Manager certain responsibilities and powers in order to preserve the continuity of operations.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that the Town Manager or his designee shall, in addition to all powers otherwise granted by the federal, state and local law, for the duration of the local emergency declaration not to exceed six (6) months, be empowered with all responsibilities and powers, heretofore conferred upon the Town Council, by the Town's Internal Administrative Policies, Resolution 18-G-29, be enabled to approve any transaction pursuant to Chapter 30, Section 30-311 of the Town Code, be empowered to re-direct or suspend town services to preserve the public health and safety, be enabled to take actions to preserve the health and safety of employees including any action taken under Section 54-61 of the Town code relative to administrative leave, and be empowered to sign all negotiable instruments necessary for the function and continuity of Town operations

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that agenda items scheduled or proposed to be considered for the duration of the local emergency declaration not to exceed six (6) months by the Town Council, Planning Commission or any other Town board or commission shall be deemed continued for the duration of the local emergency declaration not to exceed six (6) months, if the Town Council, Planning Commission or other Town board or commission does not take action on the agenda item during the referenced timeframe, including those agenda items for which state

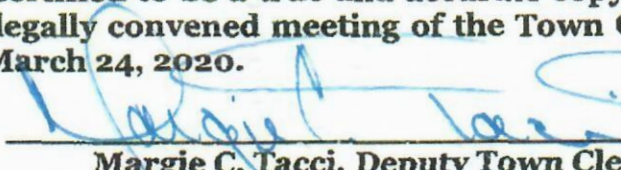
or local law requires an affirmative action to be taken within a statutorily-mandated time frame and the failure to act can be deemed an approval; and

IT IS FURTHER ORDAINED that notwithstanding the foregoing, Town Council, Planning Commission: and any other Town board or commission may, at their election, conduct previously scheduled meetings or special meetings and act upon scheduled or purposed agenda items before them for the duration of the emergency declaration thereafter, under normal procedures or by solely electronic means in compliance with public notice, access, and other requirements of Virginia Code Section 2.2-3708.2(A)(3) to the extent practicable; and

IT IS FURTHER ORDAINED that in the event that a public hearing matter is deemed by the applicable governing body to present a critical government function essential to continuity of government for the duration of the emergency declaration, the public hearing may be conducted by an open public comment period called for during an electronic meeting, in which case, action by the governing body shall be continued to a subsequent meeting pending receipt of such comments. Public comments shall be received by written submittal (including but not limited to email) delivered to the Town Clerk or designee during the period stated in the call for public comments which comment period shall be a minimum of six calendar days.

IT IS FURTHER ORDAINED that Town Council reserves the right by subsequently enacted ordinance to rescind or amend this ordinance. An emergency and disaster is deemed to exist and this ordinance shall be effective upon its adoption.

This is certified to be a true and accurate copy of Ordinance 20-O-23 adopted at a legally convened meeting of the Town Council of the Town of Herndon on March 24, 2020.


Margie C. Tacci, Deputy Town Clerk

Attached for reference is the Town's Internal Administrative Policies, Resolution 18-G-29, May 22, 2018.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 28, 2020

ORDINANCE- to amend Ordinance 20-O-23 adopted on March 24, 2020, to suspend certain deadlines and extend the validity of certain development approvals to assure Continuity of Governmental Operations during Pandemic Disaster (COVID-19).

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

WHEREAS, on March 24, 2020, Town Council adopted Ordinance 20-O-23 addressing Continuity of Governmental Operations during Pandemic Disaster (COVID-19); and

WHEREAS, it has become necessary to make amendments to this Ordinance in order to suspend certain deadlines and extend the validity of certain development approvals to further assure continuity of governmental operations during Pandemic Disaster (COVID-19).

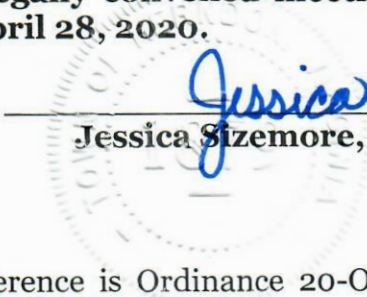
NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia that to the extent possible, town staff will endeavor to take action as is practical and appropriate to meet deadlines or time frames established under state law or town ordinances, however, notwithstanding any provision of law, regulation, or policy to the contrary, any deadlines requiring action by the town, any public body, or town employees are suspended. Time frames for review or expedited reviews are also suspended. Failure to meet any deadline or time frame will not constitute a default, violation, approval, ratification, or recommendation. Any policies or procedures inconsistent with this ordinance are hereby suspended; and

IT IS FURTHER ORDAINED that any staff approved plan, plat, permit, modification, waiver or determination that would have otherwise expired during the disaster and before the expiration or repeal of this ordinance, will remain valid until 60 days following the lifting of the state of emergency declared by the Town; and

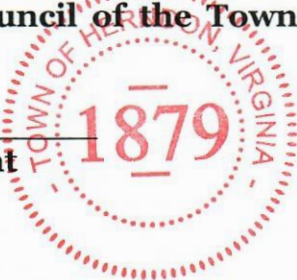
IT IS FURTHER ORDAINED that this Ordinance to amend Ordinance 20-O-23 shall be effective upon its adoption.

EXHIBIT

This is certified to be a true and accurate copy of Ordinance 20-O-26 adopted at a legally convened meeting of the Town Council of the Town of Herndon on April 28, 2020.




Jessica Sizemore, Legislative Assistant



Attached for reference is Ordinance 20-O-23, dated March 24, 2020, identified as the Exhibit.