



TOWN COUNCIL WORK SESSION AGENDA

Herndon Police Department – Community Room
397 Herndon Parkway, Herndon, VA 20170

Tuesday, April 4, 2023

Closed Meeting – 5:30 p.m.

Work Session - 7:00 p.m.

1. Call to Order

2. Closed Meeting

- a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1) of the Code of Virginia for interviews of prospective candidates relative to appointments to boards and commissions

3. Public Hearings

- a. Ordinance to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023
- b. Ordinance to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 Budget
- c. Resolution to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon
- d. Ordinance to Appropriate Funds to implement the Fiscal Year 2024 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

4. General

- a. Resolution to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-02 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances), to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property
- b. Resolution to adopt the Town Council Operating Agreement

5. Discussion

- a. Organizational Orientation Discussion by the Town Manager and the Department of Finance
- b. Traffic Calming Related Issues
- c. Business Survey, Economic Development
- d. Council Initiatives and Next Steps
- e. Council Operations

6. Roundtable

7. Adjournment

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers and Sewage Disposal), Division 5 (Sanitary Sewer System Rates and Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the service and usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2023.

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

1. The following sections or provision of the Herndon Town Code, as amended, are amended and re-ordained as follows:

CHAPTER 74 (UTILITIES)

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 5. - SANITARY SEWER SYSTEM RATES AND CHARGES

Sec. 74-262. - Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$7.16~~ **\$8.27** per 1,000 gallons of water used, except as otherwise provided in this division.

- (f) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$ 10.21 \$ 7.40
3/4	14.10 10.21
1	21.89 15.85
1 1/2	41.36 29.96
2	64.72 46.89
3	127.02 92.02
4	197.11 142.79
6	391.80 283.83

ARTICLE III. - WATER

DIVISION 2. - SERVICE

Subdivision II. - In-Town Service Charges

Sec. 74-326. - Schedule of charges.

- (a) The water usage charge shall be ~~\$3.31~~ **\$3.47** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.
- (b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

<i>Meter Size (inches)</i>	<i>Charge</i>
5/8	\$ 12.57 \$10.54
3/4	18.85 15.80
1	31.40 26.33
1 1/2	62.82 52.68
2	100.50 84.27
3	201.02 168.55
4	314.10 263.36
6	628.19 526.73

- (c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$5.64~~ **\$5.91** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.
- (1) Average consumption of the preceding two winter quarter billing periods is defined as the average of any consumption for the quarterly billing periods reflected in bills issued during the months of December through May.
- (2) Peak use period consumption is defined as any consumption for a quarterly billing period reflected in bills issued during the months of June through November.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2023.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2024 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, 2023 and ending June 30, 2024, as follows:

1. Real Estate: **\$.2650** on each \$100.00 of the valuation of real estate and improvements to the Town.
2. Personal Property and Merchants' Capital: **\$.00** 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.
3. Vehicles Used as Manufactured Homes and Offices: **\$.2650** 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.
4. Farm Machinery, Farm Tools, and Farm Livestock: **\$.00** 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.
5. Machinery and Tools: **\$.00** on each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.
6. Other Classifications of Tangible Personal Property: **\$.00** 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.
7. 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 2023.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 25, 2023

Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2024 Budget for the Town of Herndon.

Pursuant to the requirements outlined by Code of Virginia § 15.2-2503, 15.2-2506, and 58.1-3321, the Town Manager of the Town of Herndon, Virginia has submitted to the Town Council of the Town of Herndon, a proposed budget by April 1, and the Town properly advertised the April 11, and April 25, 2023 public hearings on the proposed budget.

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

1. The Town Council adopts for the purposes of fiscal planning during the fiscal year 2024 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, sent out in “Proposed FY 2024 Budget” dated April 1, 2023, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 25, 2023

Ordinance- to Appropriate Funds to implement the Fiscal Year 2024 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 and authorized for expenditure during the Fiscal Year 2024 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2024 as set out in "Proposed Fiscal Year 2024 Annual Budget" dated April 1, 2023, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. 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 the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in The Fairfax County Times newspaper and held a public hearing on the proposed budget at least seven days prior to approval of the proposed budget.
4. The Fiscal Year 2024 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2023.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2024 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2023 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2023, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2024 and to report to the Mayor and Town Council in this regard.

STAFF REPORT

Town Council

April 4, 2023

Title

Resolution, to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-02 to amend Chapter 78 (ZONING), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances), to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property.

Staff Contacts

David Stromberg, AICP – Zoning Administrator; david.stromberg@herndon-va.gov

Summary

This text amendment will bring applicable sections related to the BZA, Board of Zoning Appeals, into alignment with changes made to the Code of Virginia by the Virginia General Assembly. The specific sections in the Code of Virginia are Section 15.2-2309, Powers and Duties of Boards of Zoning Appeals, and Section 15.2-2310, Applications for Special Exceptions and Variances. Among the mandated updates, the draft language includes an optional provision that would adopt a time limit that restricts the reapplication of substantially the same variance after it has been denied by the BZA.

Staff recommends the Town Council pass a resolution to initiate consideration of this text amendment.

Background

Zoning History

The bulk of this zoning ordinance text amendment is to bring the section of the zoning ordinance pertaining to variances into alignment with the Code of Virginia. As the General Assembly makes changes to the Code of Virginia, the town must update its zoning ordinance to remain current with state regulations. The last time the zoning ordinance section on variances has been updated was November 2015.

This text amendment has been drafted to allow the adoption of an optional provision in the Code of Virginia that allows a locality to restrict the amount of time before substantially the same variance will be hard again, after said variance has been denied by

the BZA. The time limit allowed by the Code of Virginia is up to one year. The draft language is shown on lines 95-97. This language is optional, not mandatory.

Recently, the BZA heard three variance applications on the same property. The three variance requests were all denied by the BZA. If a variance is denied by the BZA, an applicant has the right to appeal the decision of the BZA to Fairfax County Circuit Court. In the recent cases, a new variance that was slightly different than the previous request was submitted to BZA, rather than appealing the BZA's decision in Circuit Court. This occurred twice, for a total of three variance requests that were substantially the same.

Upon request by the BZA, staff prepared a memo outlining the options available to prevent an applicant from resubmitting substantially the same application to the BZA, after the board had already denied the initial request. The BZA met at their regular public meeting on March 23, 2023 to discuss the pros and cons of amending the zoning ordinance to prohibit rehearing substantially the same application after a denial. After discussion, the BZA was unable to come to a consensus on a recommendation for the optional language restricting reapplications.

Staff Analysis

Consistency with the Comprehensive Plan

The comprehensive plan does not specifically address variances, as the plan is general in nature.

Meets Regulations

The housekeeping amendments will bring the zoning ordinance into better alignment with the Code of Virginia. Regarding the reapplication time limit, Section 15.2-2310 of the Code of Virginia states, "Any locality may provide by ordinance that substantially the same application will of be considered by the board within a specified period, not exceeding one year."

Need for Current Amendment

Virginia is a Dillon Rule state, so the town's zoning ordinance must be in alignment with the Code of Virginia. This text amendment will achieve that. Further consideration and public discussion is prudent to determine whether the town should adopt the optional provisions regarding a reapplication time limit.

Impact if Approved

If approved, the zoning ordinance section for variances will be brought into alignment with the Code of Virginia.

Adopting the optional draft language (Section 78-155.4(k), Reapplication time limit, lines 95-97) may result in a reduction of the public frustration and fatigue from adjacent property owners who repeatedly receive notice regarding applications and wish to make the time to provide comment. Alternatively, adopting the optional language may have negative unintended consequences. The Code of Virginia uses the term, “substantially the same application.” The zoning administrator is responsible for determining whether an application is “substantially the same.” This determination could be appealed and would be heard by the BZA, so there would still be another meeting and it would likely be confusing to the public because the meeting would be about the determination, not the original variance request. If the BZA overturned the zoning administrator’s determination that the variance application is not “substantially the same,” then the variance request could be brought forward at the next available public hearing.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Zoning Ordinance Text Amendment ZOTA #23-02:

1. Approve Initiating Resolution
2. Deny Initiating Resolution

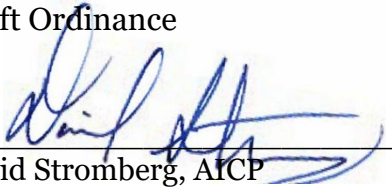
Staff Recommendation

Staff recommends the Town Council approve the initiating resolution for ZOTA #23-02 in accordance with **alternative 1**.

Section 78-155.4(k) should be discussed with feedback from the Town Council, planning commission, and the public, in order to decide whether to include it in the final version of the ordinance. The remainder of ZOTA #23-02 must be approved in order to bring the zoning ordinance into alignment with the Code of Virginia.

Attachments:

1. Initiating Resolution
2. Draft Ordinance



David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 11, 2023

Resolution - to initiate consideration of a Zoning Ordinance Text Amendment ZOTA #23-02 to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) ,to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property.

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

1. Initiates consideration of an amendment to Chapter 78 (ZONING) of the Herndon Town Code to incorporate updates to the Code of Virginia into the zoning ordinance and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property.
2. Out of public necessity, convenience, general welfare, or good zoning practice, requires the Town Council's consideration of this proposed amendment.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2023

Ordinance – to amend Chapter 78 (Zoning), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) to bring the zoning ordinance into alignment with the Code of Virginia and to consider not hearing substantially the same application for a specific period of time, not to exceed one year.

Section 78-150.3 – Board of Zoning Appeals

(b) *Membership.* The membership of the board of zoning appeals shall be as follows.

(5) *Training.* Newly appointed members of the board of zoning appeals shall be offered training and certification by the ~~Citizens Planning Education Association of Virginia~~ *Virginia Commonwealth University Center for Urban and Regional Analysis Land Use Education Program* or similar certification to be completed within two years of appointment.

Section 78-155.4 – Variances.

(a) *Purpose and intent.* The purpose and intent of this section is to establish procedures for the review of variances, *as authorized pursuant to the Code of Virginia.*

(c) *Variance procedures.*

(2) *Board of zoning appeals public hearing, review, and action.* After public notification and scheduling a public hearing, the zoning administrator shall transmit a copy of the application to the board of zoning appeals, which shall conduct a public hearing on the application and review the application as follows:

b. After the close of the public hearing, the board of zoning appeals shall approve, approve with conditions, or disapprove the application based on the standards in Section 78-155.4(d), ~~standards~~ *Variance review standards*, ~~as well as any other information deemed to be relevant.~~ *and Section 15.2-2309(2) of the Code of Virginia.*

(d) *Variance review standards.*

(1) *Variance criteria.* Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of

the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the applicable provision of this chapter, *or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability*, and all of the following:

- (a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (b) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
- (c) The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the *zoning* ordinance;
- (d) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;
- (e) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.
- ~~(f) The character of the zoning district in which the property is located will not be changed by the granting of the variance.~~

(2) *Variances in the floodplain overlay district.* In the floodplain overlay district, variances shall be issued only in accord with the standards above and evaluated and processed as follows:

- (a) In passing upon applications for variances related to floodplain districts, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

13. *Variances will not be issued for any accessory structure with the SFHA.*

14. Such other factors which are relevant to the purposes of this section.

(3) Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with disabilities Act of 1990 (42 U.S.C. § 12131 et. Seq.), as applicable.

- (e) *Limitations on expansions once variance is granted.* Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance on or after July 1, 2006 shall be treated as conforming for all purposes under state law and town ordinance;

however, the use or the structure permitted by variance may not be expanded *unless the expansion is within an area of the site or part of the structure for which no variance is required under the zoning ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.* ~~For this subsection, "property" means only the zoning rights affected by the variance and the real estate rights directly supporting or related to these zoning rights, as determined by the zoning administrator. "Property" shall not necessarily mean the entire parcel of real estate that is the subject of a variance.~~

- (g) *Appeal to circuit court.* Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any *aggrieved* taxpayer or any officer, department, board, or agency of Fairfax County or the town, may *file a petition* ~~appeal the decision to~~ *with the clerk of* the Circuit Court of Fairfax County *that shall be styled "In Re: date Decision of the Board of Zoning Appeals of Town of Herndon"* pursuant to, and within the time limits specified in, Code of Virginia §15.2-2314.

(1) If appealed, the petition shall specify the grounds on which the petitioner is aggrieved and be received by the clerk of the Circuit Court of Fairfax County within 30 days after the final decision of the board.

- (k) Reapplication time limit. A variance application that is substantially the same as a denied application will not be considered by the board within a 12-month period from the date of denial.*



Zoning Ordinance Text Amendment ZOTA #23-02 Board of Zoning Appeals and Variance Updates

David Stromberg, AICP

Zoning Administrator

Town Council Work Session– April 4, 2023

Zoning Ordinance Text Amendment (ZOTA) process

- Initiate Consideration of ZOTA per Virginia Code § 15.2-2286(A)(7)
 - Governing body (Town Council) or Planning Commission
 - Staff cannot amend zoning text without initiation
 - Property owners are allowed to petition for a zoning ordinance text amendment
- Planning Commission Review
 - Evaluates land use implications
 - Makes a recommendation to the Town Council
- Town Council Review
 - Evaluate policy implications
 - Final decision to adopt or deny zoning text amendment

ZOTA #23-02 – Reason for Text Amendment

- Updates to Code of Virginia §15.2-2309 (Powers and Duties of the Board of Zoning Appeals)
 - Code of Virginia updates are passed by the General Assembly
 - Zoning ordinance must align with the Code of Virginia
- Section 15.2-2310 (Applications for Special Exceptions and Variances)
 - Contains an optional provision to not allow an application that is substantially the same as a denied application from being heard for a period of up to one year

ZOTA #23-02 – Proposed Changes

- All mandatory changes will be made
 - Removal of language stating that neighborhood character is a factor for deciding a variance
 - Addition of language regarding when a variance is granted to provide reasonable modifications for a person with a disability
- Reapplication time limit is for discussion only

ZOTA #23-02 – Board of Zoning Appeals Discussion on optional language

- March 23, 2023, regular meeting
 - Has the potential to reduce public frustration and fatigue from adjacent property owners who receive multiple notices
 - “Substantially the same” is a term that could be appealed and result in more public hearings than allowing multiple variances
 - BZA was unable to come to a consensus on whether optional language should be adopted into the zoning ordinance

Recommendation

Adopt resolution to initiate consideration of
ZOTA #23-02



STAFF REPORT

Town Council

April 4, 2023

Title:

Resolution to adopt the Town Council Operating Agreement.

Staff Contact:

Kirstyn Barr Jovanovich, Town Clerk
703-435-6804
kirstyn.jovanovich@herndon-va.gov

Summary:

At the March 10 and 11, 2023 Town Council Retreat, the Town Council met and collectively agreed upon operating standards that reflected their expected experience as members of the Herndon Town Council and their commitment to working collectively toward that ideal experience.

As a result of these discussions, the Town Council Operating Agreement has been developed to operationalize these standards and process agreements. This Operating Agreement does not supersede the provisions of the Town Charter, Town Code, or Code of Virginia and is complimentary to the adopted parliamentary procedures found in *Robert's Rules of Order Newly Revised in Brief, 3rd edition*.

The Operating Agreement includes two sections: (1) Section 1 – Purpose and Basic Principles, which explains how the agreement will support and enable the Town Councilmembers to engage in long range strategic planning, and (2) Section 2 – Process Agreement, which outlines the procedural processes the Town Council agrees to regarding agenda and meeting procedures.

Fiscal Impact:

N/A

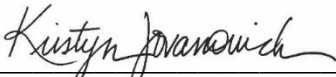
Staff Recommendation:

Staff recommends approval of the proposed resolution, adopting the Town Council Operating Agreement, as presented.

Attachments:

1. Draft Resolution
2. Draft Town Council Operating Agreement

Staff:


Kirstyn Barr Jovanovich, Town Clerk

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 11, 2023

Resolution- to adopt the Town Council Operating Agreement.

At the March 10 and 11, 2023 Town Council Retreat, the Town Council met and collectively agreed upon operating standards that reflected their expected experience as members of the Herndon Town Council and their commitment to working collectively toward that ideal experience.

As a result of these discussions, the Town Council Operating Agreement has been developed to operationalize these standards and process agreements.

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

1. The Town Council adopts the Town Council Operating Agreement.

Town of Herndon Operating Agreement

Introduction

This Operating Agreement was designed and adopted for the benefit and convenience of the Herndon Town Council. Its purpose is to assist the Town Council to conduct its affairs in a timely and efficient manner. This Operating Agreement is complimentary to the adopted parliamentary procedures found in *Robert's Rules of Order Newly Revised in Brief, 3rd edition* (ROR) and applicable Virginia laws. This Operating Agreement does not supersede the provisions of the Town Charter, Town Code, or Code of Virginia.

Section 1 – Purpose and Basic Principles

Section 1-1. Purpose of Operating Agreement.

- A. To enable the Herndon Town Council to transact business, fully, expeditiously, respectfully, and efficiently, while affording every opportunity to citizens to witness the operations of government;
- B. To enable the Herndon Town Council to participate in long range strategic planning;
- C. To support respectful and productive debate, idea refinement, and result-focused discussions;
- D. To create a supportive environment that builds on the Council's strengths, and respects each member's expertise, as well as town staff's expertise;
- E. To preserve the spirit of cooperation and collaboration among Councilmembers; and
- F. To enable the Herndon Town Council to support each member in building what matters most.

Section 1-2. Basic Principles Underlying Operating Agreement.

- A. The business of the Town Council should proceed in the most efficient and effective manner possible, and the members commit to:
 - 1. Acknowledging each other's strengths and supporting each other;
 - 2. Collaboration, consensus building, and striving for places of agreement;
 - 3. Transparency;
 - 4. Assuming positive intent;
 - 5. Debating the issue, not the person; and
 - 6. Supporting safe listening.
- B. Town Council's Operating Agreement will be followed consistently;
- C. Only one subject may occupy the attention of Town Council at one time;
- D. Each item presented for consideration is entitled to full discussion;
- E. Every member has equal rights to participate and vote on all issues;
- F. Every member will have equal opportunity to participate in the decision making of the body; and
- G. The Council acknowledges that it acts as a body.

Section 2 – Process Agreement

In addition to the parliamentary procedures outlined in *Robert's Rules of Order Newly Revised in Brief, 3rd edition*, (ROR) the Town Council agrees to the following processes regarding agendas and meeting procedures:

Section 2-1. Adding Items to a Meeting Agenda.

Any member may make a request to add an item to a future agenda following the below procedures:

- A. Prior to making a request to add an item to an agenda, members are encouraged to speak one-on-one with the Mayor and their Council colleagues to discuss the proposed topic in advance.
- B. Members requesting to add an item to an agenda prior to publication must submit to the Town Manager: (1) the title, (2) brief description of the topic, and (3) any supporting documentation by close of business on the Wednesday (or earlier) before the work session meeting.
- C. Members may request to amend the meeting agenda to add an emergency (or emerging topic) item at the start of a meeting. The requesting Member will make a motion to amend the agenda and provide a brief description of the topic. The Members agree that an action or discussion item may only be added to the agenda with unanimous consent. The Mayor will seek any objections; if there are one or more objections to adding the item to the meeting agenda, the topic will be scheduled on the next appropriate meeting.
- D. Requests to add Closed Session items must be reviewed by the Town Attorney prior to scheduling to determine appropriateness and applicable State Code exception(s).

Section 2-2: Voting at Meetings

- A. Roll call votes are able to be taken in all meeting settings, including work sessions and special meetings. The voting process will follow ROR procedures.
- B. Council majority consent is required to direct the Town Manager on a particular topic or to draft legislation on an issue. If a majority vote is not obtained to direct the Town Manager on any particular issue or topic, a Member may make a motion and a vote may be taken to schedule the item for Council consideration and action on a regular meeting agenda.

Section 2-3: Seating

During work sessions, the Mayor and Vice Mayor will sit next to each other, and all other members may sit in any other available seat.