



TOWN COUNCIL WORK SESSION AGENDA

Town Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, January 2, 2024 | 7:00 PM

1. Call to Order

2. General

- a. Ordinance to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance
- b. Resolution to amend the Community Cultural Festivals Policy Statement
- c. Resolution to establish the Town of Herndon Youth Advisory Committee

3. Discussion

- a. Historic District Presentation
- b. Town Council FY 2025 Budget Guidance

4. Roundtable

5. Closed Meeting

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

6. Adjournment

Agenda Item: Ordinance to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance

Meeting Date: January 2, 2024

Category: General

Prepared by: Lesa Yeatts, Town Attorney

Description:

Following a discussion at the December 5, 2023 work session, there was consensus for staff to bring forward an Ordinance amending the Town Code to reflect the responsibility Town Council members and members of council appointed Boards and Commissions to faithfully and regularly attend meetings of their body.

This item includes a minor housekeeping amendment to Section 2-1 to clarify the rescheduling of meetings due to unforeseen circumstances.

The amendment to Section 2-5, the Town's Code of Ethics, specifies the ethical responsibility of Town Council members as public officials to regularly attend council meetings and specifies that Town Council members who fail to attend four (4) consecutive meetings or 25% of work sessions, regular meetings, and special meetings in a 12-month period without good cause are subject to censure by the Town Council for dereliction of their duties.

This amendment specifies that members of council appointed boards and commissions continue to be subject to the rules of attendance proscribed by the Code of Virginia, Herndon Town Code, and their applicable Bylaws which are also in the process of amendment to reflect attendance requirements similar to those being considered for Town Council.

Background:

N/A

Fiscal Impact:

None

Recommendation:

Recommend adoption of the proposed Ordinance.

Attachments:

1. Ordinance

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

JANUARY 9, 2023

Ordinance- **to amend the Herndon Town Code, Chapter 2 (ADMINISTRATION), Article I (In General), Section 2.1 to clarify the rescheduling of meetings and Section 2.5, to add language relating to attendance.**

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

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are repealed, replaced and re-ordained as follows:

CHAPTER 2 (ADMINISTRATION)

Article I. In General

Sec. 2-1 – Meeting schedule.

(c) Should the conduct of a regular meeting be unnecessary due to a lack of items for consideration, or impossible due to the inability to obtain a quorum, or due to weather or other condition such that it is hazardous for members to attend the regular meeting, as declared in writing by the mayor, the regular meeting may be postponed or canceled and notice of such postponement or cancelation **and the rescheduled date**, shall be published by the town clerk. All hearings and other matters previously advertised shall be conducted at the ~~continued~~ **rescheduled** meeting and no further advertisement is required, **unless required by law**.

Sec. 2-5 – Code of ethics for the members of the town council and council appointed board and commission members.

Ethical Responsibilities

- (1) *Faithful and impartial performance of duties.* Members of the town council and council appointed board and commission members shall faithfully and impartially perform their duties to the very best of their abilities and demonstrate integrity, independence, honesty, and ethical behavior in the conduct of all town business.

An essential aspect of the obligations of public office conferred upon members of the town council and council appointed board and commissions is commitment to the regular and routine attendance of meetings.

Members of the town council and council appointed board and commissions shall avoid dereliction of duty and shall commit to the regular and routine attendance of the meetings of their respective bodies.

Town Council members who fail to attend four (4) consecutive Town Council work sessions, regular meetings or special meetings or 25% of work sessions, regular meetings or special meetings in a twelve-month period (measured from the date of first absence), absent good cause, shall be considered to have abdicated their duties. Such members shall be subject to censure by the body.

Members of council appointed boards and commissions shall be subject to the rules of attendance proscribed by the Code of Virginia, the Herndon Town Code and the applicable Bylaws of their body.

2. This ordinance shall be effective on and after the date of its adoption.

Agenda Item: Resolution to amend the Community Cultural Festivals Policy Statement

Meeting Date: January 2, 2024

Category: General

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

This is a request to adopt a resolution amending the Community Cultural Festivals Policy Statement.

During the December 5, 2023 Town Council work session, staff provided an overview of the Community Cultural Festivals Donation Program administrative process based on the policy statement adopted by Town Council by Resolution 23-G-72. During the discussion, the Town Council by consensus requested changes to the program that included: (1) incorporating an administrative approval process for qualified applicants of the Community Cultural Festivals donation program instead of all funding requests coming before Town Council for consideration and action; (2) donation requests shall not exceed fifty percent (50%) of the total event budget or ten thousand dollars (\$10,000), whichever is less; and (3) organizations may only receive a donation through this program for one new Community Cultural Festival per year.

Since these changes are policy-based and not process-based, the requested program changes have been incorporated into the attached revised Policy Statement for Council's consideration. In addition, several clarifying administrative changes have also been incorporated into the revised draft policy statement.

Background:

The Town Council appropriated funds in the FY 2024 Adopted Budget to monetarily support non-profit and not-for-profit organizations interested in establishing new cultural community events within the Town of Herndon. Town staff was directed to prepare a policy statement to guide the establishment of a Community Cultural Festival Donation program, which was discussed during the September 5, October 3, and October 17, 2023 Town Council work sessions. The policy statement was adopted by Town Council Resolution 23-G-72 at the October 24, 2023 regular meeting.

Per Town Council's request, staff returned to the December work session to provide an overview of the administrative process that would be used to administer the policy. Since the adoption of the policy in October, a staff team met over several weeks to

outline the administrative procedures necessary to implement the Town Council's policy regarding the Community Cultural Festivals Donation program, which was presented at the December work session.

Fiscal Impact:

None.

Recommendation:

Recommend approval of the resolution as presented, amending the Community Cultural Festivals Policy Statement.

Attachments:

1. Resolution (Proposed)
2. Draft Amended Policy Statement

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2024

Resolution- to amend the Community Cultural Festivals Policy Statement.

On October 24, 2023, Town Council adopted a Community Cultural Festivals Policy Statement by Resolution 23-G-72. During the December 5, 2023 work session, Town Council discussed the donation program and directed changes to the policy, which are reflected in the amended policy statement.

Under the Code of Virginia, localities may appropriate funds to any charitable or non-profit organization if the organization provides services to the residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society.

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

1. The “Community Cultural Festivals Policy Statement” is adopted as amended.
2. The Town Manager is directed to develop and implement the administrative process to enact the policy as amended.

Town of Herndon
Community Cultural Festivals
Amended Policy Statement
DRAFT

Background

Town Council has expressed support in providing funding to encourage the development and hosting of Community Cultural Festivals within the Town of Herndon. Often referred to in discussions with Town Council as “mini-festivals,” the desire is to complement the town’s already robust community event opportunities, with focus placed on celebrating and sharing the cultures represented in the community.

This policy statement sets the foundation supporting donations for Community Cultural Festivals within the Town of Herndon. This policy framework will guide the staff’s development of necessary processes and procedures to fulfill the Town Council’s policy objectives as directed through this policy statement.

The objectives of this policy are to:

1. support a variety of events each year that celebrate and share the cultures represented in the community, are open and welcoming to all, and bridge parts of the Herndon community to meet and together build understanding and community;
2. serve as an economic driver to bring visitors to Herndon and support the local business community, in the downtown and in commercial centers throughout the Town; and
3. support and activate the Town of Herndon brand.

Available Funding

The Town Council may allocate funding for Community Cultural Festivals donation program through the annual budgeting process. Funding availability ~~and award of funds are~~ is subject to Town Council action.

Monetary Donations in Support of Community Cultural Festivals

The Town Council’s intention is to provide a monetary contribution, with limited provision of in-kind town services, in support of the establishment of Community Cultural Festivals within the town’s corporate limits. In-kind town services in support of Community Cultural Festivals are not guaranteed and are based on availability of staffing and resources.

~~The disbursement of funds included in the adopted budget in support of Community Cultural Festivals within the Town of Herndon are considered donations and require Town Council action.~~

For the purposes of this policy statement, *Community Cultural Festivals* are community-oriented events that are free and open to the public, may be held on public or private property, and celebrate and share the cultures represented in the Herndon community. For the purposes of this policy statement, Community Cultural Festivals shall not directly benefit any business or individual.

Program Qualifications and Guidelines

- Non-profit and not-for-profit organizations in good legal standing hosting or co-hosting a Community Cultural Festival may be eligible for a donation through this program. Individuals and businesses are not eligible for funding through this program; monies shall not be remitted to individuals, business entities, or announced candidates for political office. The Town does not promote or advocate political or religious events.
- To make a funding request, qualified applicants must complete an application process and provide ~~a detailed total event estimated budget and~~ an event description ~~that describes why the proposed event is a new community cultural festival and detailed event cost estimate~~, and submit to the Town within the procedures' stated time frame applicable to the planned event size. ~~Funding requests shall not exceed event cost estimates.~~
- Funding requests shall not exceed fifty percent (50%) of the total event budget or ten thousand dollars (\$10,000), whichever is less.
- ~~Community Cultural Festival donation requests will be brought to the Town Council for consideration and action on the donation request.~~ Community Cultural Festival donation applications will be reviewed administratively by Town staff to ensure all special event and donation eligibility requirements are met. ~~prior to Council consideration of the donation request.~~ Approved disbursements for Community Cultural Festivals will be remitted to the non-profit or not-for-profit event host/co-host. The Town will not contract with or disburse funds directly to event vendors or contractors.
- Requests for funding for Community Cultural Festivals are open throughout the fiscal year (July 1 – June 30), subject to funding availability, and on a first come, first served basis. Once the fiscal year's allocated funding is appropriated, no additional donation requests will be considered for the fiscal year. Applications may be submitted up to one year before the event date.
- Organizations may only receive a donation through this program for one new Community Cultural Festival per year. For the purposes of this policy, Community Cultural Festivals are considered new if (1) they have not been held within the town within the last five years and (2) have not received a donation through this program.
- The application process is administered and maintained by the Town Manager's Office, and the Town Manager has the authority to administratively update and revise the process and set applicable administrative fees, as appropriate.

Logo Use

- Organizations awarded funding for a ~~Approved~~ Community Cultural Festivals through this donation program may use, on a limited basis, ~~receiving funding from the Town of Herndon may use~~ the town logo on the event marketing materials, representing the Town as a donating organization.
- The Town may provide cross-marketing support for Community Cultural Festivals receiving monetary support from the Town through this program.

Agenda Item: Resolution to establish the Town of Herndon Youth Advisory Committee

Meeting Date: January 2, 2024

Category: General

Prepared by: Kirstyn Jovanovich, Town Clerk

Description:

In September, the Town Council reviewed the possibility of reinstating the Herndon Youth Advisory Council (HYAC) and discussed the previous HYAC including membership, purpose, meeting schedule, and guidelines, as well as their previous work and recommendations. At the conclusion of the discussion, staff was directed to work with Vice Mayor Hedrick to review the previous HYAC information and process by which to possibly reinstate the HYAC.

During the December work session, Town Council reviewed Draft Establishing Guidelines for the creation of a Herndon Youth Advisory Committee. As a result of this discussion, staff has prepared the proposed resolution and Draft Establishing Guidelines for Council consideration. The most significant change in the Draft Establishing Guidelines from the original HYAC guidelines is changing the member terms from 2-year terms coinciding with the Council's terms, to one-year terms that coincide with the academic school year.

Background:

The Herndon Youth Advisory Council (HYAC) was initially established as an ad hoc advisory committee to the Town Council in 2017 by Resolution 17-G-60. The appointments to the HYAC were made later in the year by a separate resolution for two-year terms. The HYAC was not reinstated in 2021 or 2023.

Fiscal Impact:

None.

Recommendation:

Recommend approval of the attached resolution, as presented.

Attachments:

1. Resolution (Proposed)
2. Establishing Guidelines

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

RESOLUTION

JANUARY 9, 2023

Resolution- to establish the Town of Herndon Youth Advisory Committee.

At the November 8, 2023 work session, the Herndon Town Council directed the formation of the Herndon Youth Advisory Committee (HYAC) to serve as a link between the Town of Herndon and the youth of the community.

The mission of HYAC will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of Herndon's diverse youth population.

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

1. the Herndon Youth Advisory Committee as outlined in "Herndon Youth Advisory Committee Establishing Guidelines", is created.
2. the Town Clerk is requested to solicit applications from interested youth and bring forward applications for the Town Council's consideration for appointments to begin with the 2024-2025 school year.

**Town of Herndon, VA
Herndon Youth Advisory Committee
Establishing Guidelines**

January 9, 2024

Mission:

As Herndon grows in population, diversity, and a maturing youth constituency, it will take the leadership of our youth, along with the continued cooperation from the Town of Herndon, to ensure that our community remains a desirable place for everyone to reside and enjoy.

The mission of the Herndon Youth Advisory Committee (HYAC) will be to advise the Herndon Town Council on activities, issues, and decisions relating to youth in the Town and to advocate for legislation that caters to the interests and desires of our diverse youth population.

Purpose:

The youth gaining their education in Herndon today will be leading change in our community for decades to come. To augment their participation and leadership in our Town, HYAC will serve as a link between the Herndon Town Council, local school officials—including school board members and school principals—as well as other adult leaders and its youth.

The Herndon Youth Advisory Committee will:

- work with elected officials, school officials, and other adult leaders to promote awareness, safety, and involvement among our youth;
- collaborate to identify and propose solutions on issues of importance; and
- ensure that youth needs and interests are considered in decisions that affect the entire community.

Objectives:

- provide input on needs to make Herndon a place where youth can thrive;
- provide youth perspectives to the Herndon Town Council, other elected officials and other adult leaders;
- provide recommendations on decision-making processes related to issues that impact youth;
- discuss current events involving youth and assist in upcoming events;
- learn about local government and identify legislation and policies that impact youth;
- recommend ways to resolve issues and concerns involving youth;
- review youth programs and policies to ensure set goals are achieved;

- partner with local, national, and international youth organizations;
- attend public hearings, community meetings, and other events;
- maintain an understanding of community needs; and
- participate in community outreach and service projects.

Member Composition:

Members of HYAC will be appointed by Herndon Town Council and initially consist of:

1. a member of the Herndon Town Council to serve as a liaison to work with HYAC;
2. a representative from an alternative learning institute; and
3. twelve (12) middle or high school students who either 1) live in the Town of Herndon; or 2) attend classes at Herndon Middle or Herndon High Schools, who are:
 - in good standing in the community; and
 - have:
 - an interest in developing leadership skills;
 - an interest in community service and motivation to work as a volunteer for the government; and a general knowledge and understanding of community needs; and
 - an ability to express ideas and solutions regarding youth issues and concerns; interact constructively with peers in a group setting; and a willingness to engage in community outreach with diverse populations.

A chair will be selected by the members of HYAC. Town staff will be designated as an ex-officio member to serve as primary staff.

Members will serve one-year terms to coincide with the academic school year and will meet up to four times per term. All meetings will be legally convened in compliance with town and state law requirements.

Additional members may be added as needed.

Agenda Item: Historic District Presentation

Meeting Date: January 2, 2024

Category: Discussion

Prepared by: Lisa Gilleran, Director of Community Development

Description:

An overview of the Historic District Overlay including background, benefits, challenges, process, guidelines, and its relationship to zoning and the regulatory process.

Background:

This discussion item is being presented per request by council members and based upon frequently asked questions.

Fiscal Impact:

N/A

Recommendation:

N/A

Attachments:

None

Agenda Item: Town Council FY 2025 Budget Guidance

Meeting Date: January 2, 2024

Category: Discussion

Prepared by: Marjorie Sloan, Finance Director

Description:

Finance has prepared a presentation for the January 2 Town Council Work Session to provide a mid-year status on town revenues and expenditures and discuss the current conditions and outlook for the fiscal year. In addition, the materials also provide key calendar dates and economic outlook to kick-off a discussion of the FY 2025 Budget Process. Results of this discussion will be summarized in a proposed resolution to provide Town Council Guidance on the development of the Town Manager's proposed FY 2025 Budget.

Background:

A mid-year update and subsequent resolution of guidance by the Town Council occurs annually in accordance with town policy.

Fiscal Impact:

None

Recommendation:

N/A

Attachments:

None