RESOLUTION NO. R2008-186

An Emergency Resolution of the Pierce County Council Adopting Procedures for Filling Vacancies in Nonpartisan Pierce County Elective Offices and Declaring an Emergency.

Whereas, pursuant to Section 4.70 of the Pierce County Charter, the Council shall fill vacancies in certain elective County offices by appointment; and

Whereas, in November 2007, the voters of Pierce County adopted amendments to the Charter making the elected Assessor-Treasurer, Auditor and Sheriff nonpartisan positions; and

Whereas, pursuant to Section 8.50 of the Charter, amendments to the Charter adopted by the voters become effective ten days after the election is certified unless a later date is specified; and

Whereas, in the case of the Charter amendments making the offices of Auditor, Assessor-Treasurer and Sheriff nonpartisan, no later effective date was specified; and

Whereas, there is no state statute, Pierce County Charter Section, or Pierce County Code granting any entity other than the Pierce County Council the authority to select or limit nominees for appointment to a vacancy in a nonpartisan office; and

Whereas, Pierce County officials holding Pierce County nonpartisan offices are, by definition, not affiliated with any political party while holding that office; and

Whereas, political parties have authority to limit appointments to elective office to party nominees only in instances where there is a vacancy in a partisan, as opposed to a nonpartisan, elective office; and

Whereas, the method for filling a vacancy in a nonpartisan office is set forth in RCW 36.16.110 and requires the County Council to appoint a qualified person at its next regular or special meeting after being appraised of the vacancy; and

Whereas, the process set forth in Section 2. of this Resolution is consistent with Pierce County's Charter, the Pierce County Code, and RCW 36.16.110; and

Whereas, in order to facilitate an orderly and fair appointment process, the Council deems it necessary to adopt procedures for filling vacancies in nonpartisan, elective offices; and
Whereas, an imminent vacancy in the Auditor's office is anticipated given the Auditor's election to the office of County Executive; and

Whereas, this Resolution is necessary for the immediate support of County government and its existing institutions because the time constraints placed on the Council for making appointments to fill vacancies in elective offices under RCW 36.16.110 dictates that a quick and orderly process be in place so that the Council is able to make the appointment at its next regular or special meeting after being appraised of the vacancy; Now Therefore,

BE IT RESOLVED by the Council of Pierce County:

Section 1. This emergency resolution is necessary for the immediate support of County government and its existing institutions because the time constraints placed on the Council for making appointments to fill vacancies in elective offices under RCW 36.16.110 dictates that a quick and orderly process be in place so that the Council is able to make the appointment at its next regular or special meeting after being appraised of the vacancy, and the Council hereby declares an emergency.

Section 2. The Council hereby adopts the following procedures for appointments to vacant nonpartisan elective positions.

PROCESS FOR FILLING VACANCIES IN
PIERCE COUNTY NONPARTISAN ELECTIVE OFFICES

The County Council will place an announcement of a known or anticipated vacancy(ies) in a nonpartisan elective office in the Tacoma News Tribune and the official County newspaper.

Individuals who are interested in applying for the position will be required to complete a Pierce County Employment Application. A brief resume may be submitted with the Application, along with no more than three references. The application packet is to be submitted to the Office of the Pierce County Council, 930 Tacoma Avenue South, Room 1046, Tacoma, WA 98402, by an announced deadline. Applicants will be required to provide two copies of all information submitted. (Application forms can be
obtained at Pierce County’s Personnel Office, on the County’s WebPage, or in the Office of the County Council.) The appointment process shall commence upon the announced deadline for submitting applications.

An Ad Hoc Committee will be selected by the Chair of the Council to review all applications received, and agree upon up to three names of qualified candidates for each vacancy. The selected names shall be submitted to the Pierce County Council.

The Council will conduct interviews in a meeting open to the public, and may convene in Executive Session to discuss the qualifications of the candidates. The Appointment shall be made by adoption of a Resolution of the Council in a public meeting, following all applicable rules and requirements.

Questions about this procedure may be directed to the Chair of the Council or the Council's Administrator for Legal and Operations at 253-798-7777.

ADOPTED this Gth day of December, 2008.

ATTEST:        PIERCE COUNTY COUNCIL

Patricia L. Face        Pierce County, Washington

Denise D. Johnson        Terry Lee
Clerk of the Council    Council Chair