

**Clark County Charter Review Commission
Resolution No. 2021-11**

A RESOLUTION to submit to the voters of Clark County a proposal to amend the Clark County Home Rule Charter by adding a Vacancy Section to the Charter in the event an elected county official position becomes vacant.

WHEREAS, In November 2020, the voters of Clark County elected fifteen commissioners to serve on the Charter Review Commission to review the Clark County Home Rule Charter and propose amendments to the same if necessary and appropriate;

WHEREAS the Clark County Charter Review Commissioners have faithfully undertaken their responsibilities entrusted to them by the voters of Clark County, Washington; and

WHEREAS, the Clark County Charter Review Commission has, in open public meetings convened between January 1, 2021, and December 8, 2021, proposed and deliberated on potential charter amendments; and

WHEREAS, Clark County Charter Review Commission, in a duly noticed public meeting held on December 8, 2021 voted to submit to the voters of Clark County in the November 2022 General Election a proposed amendment to the Clark County Home Rule Charter which would require the County Assessor, Auditor, Clerk, Prosecuting Attorney, Sheriff and Treasurer to provide a certified list of one or more office employees who serve as chief deputy or senior manager to temporarily serve in the elected official's role until the position is filled in the next general election, and describe the process in appointing a person to a vacant council position; and

WHEREAS, the Clark County Charter Review Commission has reviewed the Charter and determined that the proposed amendments are necessary and appropriate for its adequacy and suitability to the needs of Clark County;

NOW, THEREFORE, BE IT RESOLVED, BY THE CLARK COUNTY CHARTER REVIEW COMMISSION:

Section 1. New. A new Section 6.7 Vacancy shall be added to the Home Rule Charter as follows:

Section 6.7 Vacancy

A. When an Elected Office Becomes Vacant

An elective county office shall become vacant upon the incumbent's death; resignation; recall; conviction of a felony, crime involving moral turpitude, unlawful destruction of public records, or other crime pertinent to the incumbent's office; declaration of incompetency by a court of competent jurisdiction; or failure to fulfill or continue to fulfill the qualifications for office; provided, however, that an elective county office shall not become vacant as the result of a criminal conviction or declaration of incompetency until the conviction or declaration has become final and is no longer subject to appeal.

1 An Executive Elective Official shall be suspended with pay upon an information or indictment
2 for a felony being filed against the official, such suspension continued until conviction, acquittal
3 or dismissal of such charges, and shall be removed from office upon being convicted thereof.

4 B. Designation, Appointment and Election to Fill Vacancy.

5 1. Vacancy or Suspension of an Executive Elected Office.

6 a. Immediately upon commencing their terms of office, the county assessor, auditor,
7 clerk, prosecuting attorney, sheriff and treasurer, hereafter referred to as executive
8 elected official, shall each designate one or more employees who serve as a chief deputy
9 or senior manager in such office to serve as an interim official in the event of a vacancy
10 or suspension in the elective office.

11 b. A designation of an interim official shall only be effective if the executive elected
12 official in that officer's elective office, complies with the following procedure: commits
13 the designation to writing, identifies the order of precedence if more than one chief
14 deputy or senior manager is designated, signs the written designation, has the written
15 designation notarized, files the written designation with the county auditor. The county
16 assessor, auditor, clerk, prosecuting attorney, sheriff and treasurer may, at any time,
17 amend such designation by complying with the same procedure established for making
18 the designation.

19 c. The designated county office employee shall immediately upon the occurrence of a
20 vacancy or suspension serve as the interim official and shall exercise all the powers and
21 duties of the office granted by this charter and general law.

22 d. An election for a vacancy of an executive elected official shall be filled at the next
23 general election. The term of office of a person who has been elected to fill a vacancy
24 shall only be for the unexpired portion of the term of the official unless the election is for
25 a new term, and shall commence as soon as the person is elected, qualified and sworn in.
26

27 2. Vacancy of an Elected County Council Position.

28 a. A majority of the county council shall fill a county councilor vacancy by appointment
29 until the vacancy has been filled by election or the successor to the office has been
30 elected and qualified according to state law. The Council shall adopt a councilor
31 vacancy policy that describes the procedures to fill a vacant Councilor position, which
32 shall include a public notice of the vacancy and an application process that is held open
33 for a period of 21 calendar days or more.

34 b. An election for a vacancy in an elective county councilor shall be filled at the next
35 general election. The term of office for a councilor who has been elected to fill a vacancy
36 shall only be for the unexpired portion of the term of the councilor unless the election is
37 for a new term, will be elected at the next general election.
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39 **Section 2. Effective Date.** This resolution proposing amendments to the Clark County Home
40 Rule Charter shall be effective immediately upon adoption.
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1 **Section 3. Provisionary Amendment.** The Charter Review Commission has submitted
2 Resolution 2021-8 to the Clark County Auditor for inclusion on the 2022 General Election
3 ballot. If that proposed amendment (2021-8) is not approved by a majority of voters, and Charter
4 Review Commission Resolution 2021-11 is approved, the change to the Clark County Home
5 Rule Charter will be as follows:

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7 Section 6.7 Vacancy shall be renumbered to Section 6.1 and Section 6.1 named
8 Vacancy.
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11 **Section 4. Instructions to Staff.** The County Manager shall direct appropriate county staff to do
12 the following:

- 13
14 A. File a copy of this Resolution with the Clark County Auditor for submittal to the
15 voters at the next general election as a proposal to amend the Clark County Home
16 Rule Charter.
17 B. Transmit a copy to the Clark County Prosecutor and request preparation of an
18 appropriate ballot title for the proposed amendment.
19 C. If a majority of the voters vote in favor of the proposed amendment, post the
20 approved amendment and the entire Home Rule Charter, as amended, on the County
21 website.

1 ADOPTED at a regular meeting of the Clark County Charter Review Commission this 8th day of
2 December, 2021.

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4 ATTEST:

FOR CLARK COUNTY CHARTER
REVIEW COMMISSION:


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9 Kelsey Potter, Secretary
10 Clark County Charter Review Commission



Kim D. Harless, Co-Chair
Clark County Charter Review Commission

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13 Approved as to form only
14 Anthony F. Golik
15 Prosecuting Attorney


Charles P. "Chuck" Green, Co-Chair
Clark County Charter Review Commission

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18 By: 
19 Christine Cook
20 Senior Deputy Prosecutor

1 CLARK COUNTY CHARTER REVIEW COMMISSION 2021

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Countywide At-Large Commissioners

- Doug Lasher
- Eric Holt
- Bridget McLeman

Councilor District 1 Commissioners

- Anthony Vendetti
- Kim Harless
- Chris Goodwin

Councilor District 2 Commissioners

- Chuck Green
- Kelsey Potter
- Dorothy Gasque

Councilor District 3 Commissioners

- Maureen Winningham
- Terri Niles
- Jeff Angelo

Councilor District 4 Commissioners

- Deanna Rusch
- John Latta
- Greg Anderson