

### Third Substitute Amendment No. O-5

Submitted by Auditor Anderson (April 20)

Sponsored by Commissioner Carolyn Merrival

#### **Section 4.70 -- Vacancies**

(1) An elective office shall become vacant when one of the following occurs:

- (a) death;
- (b) total permanent incapacity as determined by a panel of three physicians;
- (c) resignation;
- (d) recall of the officer;
- (e) a Councilmember's absence from three consecutive regular meetings of the Council, without being excused by the Council;
- (f) absence from the County for 30 days without being excused by the Council; or
- (g) failure to maintain residence within the district from which elected.

(2) The Council shall fill a partisan vacancy from a list of three people submitted by the County central committee of the major party (as defined by Washington State statute) represented by the official in office immediately prior to the declaration of vacancy. In the event that ~~this official~~ a Councilmember was not elected as a member of a major party, an independent, the vacancy shall be filled by the Council with an individual who certifies to be of the same affiliation. shall fill the vacancy by nominating potential appointees (after publicly requesting applications) and then making an appointment by majority vote.

If a vacancy occurs in a non-Council office held by a person not elected as a member of a major party, the Council delegates its appointment authority to a special appointment committee. The committee shall consist of the Executive (if non-vacant); Chair of the Council; the Executive Pro Tempore of the Council; and the holders of any non-vacant, non-partisan, and non-Council elected office. The committee shall nominate potential appointees (after publicly requesting applications) and then make an appointment by majority vote.

(3) Vacancies in an elective position shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of candidacy, in which case the vacancy shall be filled at the next succeeding November general election. The person elected shall take office upon certification of the results of the election, and shall serve the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the Council shall fill the vacancy by appointment, as specified in subsection (2), above. All persons appointed to fill vacancies shall meet the qualifications set in Section 4.30.

(4) An elective official shall be suspended with pay upon an information or indictment for a felony being filed against the official, such suspension continued until conviction, acquittal or dismissal of such charges, and shall be removed from office upon being convicted thereof.

(Originally Adopted November 4, 1980)