

August 16, 2006

Aaron Reardon, County Executive
3000 Rockefeller
Everett, WA 98201

RE: Charter Amendment(s) to Assure Continuity of Government in the Event of Catastrophes

Dear Executive Reardon and Chair Sievers:

The 2006 Snohomish County Charter Review Commission considered whether to send a ballot proposition to the voters with proposed Charter Amendment(s) that would assure continuity of government in the event of catastrophes causing the simultaneous loss or incapacitation of multiple members of the County Council. This issue was raised by the Prosecuting Attorney's office.

Due to the importance, complexity and political implications of the continuity issue, the Commission recommends that the County form a separate deliberative body to study the matter further and recommend Charter Amendment(s) to the voters that will enable the County Council to continue to function in the event of a pandemic, natural disaster or other catastrophe.

Current Law Does Not Adequately Address the Issue

Washington's Continuity of Government Act, and its corresponding county code provision, address government continuity in the event of an enemy attack. (See RCW 42.14 and SCC 2.36.075, respectively.) However, these provisions do not address other types of catastrophes, such as pandemics and natural disasters.

Snohomish County Charter 4.80, which addresses vacancies generally, requires a majority vote of the Council to fill vacancies by appointment. It does not provide a means for the County Council to act if a majority of the five-member Council is simultaneously incapacitated or deceased.

Unfilled vacancies could paralyze the County Council because Charter 2.110 requires at least 3 Council member votes to pass regular ordinances, and Charter 2.120 requires 4 votes to pass emergency ordinances, which are not subject to the veto power of the county executive and take effect immediately upon passage by the Council. In the event of a catastrophe, where action by emergency ordinances would likely be needed, a Council with reduced membership could present a significant problem.

Consideration and Recommendation of the Charter Review Commission

The Charter Review Commission met with deputy prosecuting attorneys and discussed the continuity issue, including actions that other Home Rule counties have implemented to assure continuity of government in the event of catastrophe. A myriad of issues were raised, including: (i) vacancies; (ii) quorum; (iii) the Rules of Procedure governing Council meetings, hearings and the adoption of ordinances; and (iv) the interaction

between the current Emergency Management Ordinance (SCC 2.36) and the Snohomish County Charter.

Given the short timeline facing the Charter Review Commission and the importance, complexity and political implications of the continuity issue, the Commission concluded that the County should form a separate body to further analyze the matter, with input from both the County Council and the County Executive, and ultimately recommend Charter Amendment(s) to the voters. The county wide planning group led by the Health District to address pandemic flu and continuity issues may be able to offer valuable insight on this serious issue.

Sincerely,

Mike Cooper, Chairman
Snohomish County Charter Review Commission