



**Snohomish County
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MEMORANDUM

TO: All Members of the Charter Review Commission

FROM: Janice E. Ellis, Prosecuting Attorney

DATE: May 22, 2006

RE: Charter Revisions to Assure Continuity of Government in the Event of Catastrophes

The County and the Snohomish Health District are preparing for a possible influenza pandemic. Assuring the continuity of county government is a key aspect of that planning effort. The possible loss or incapacity of multiple members of the County Council during such a pandemic has emphasized the need to consider processes that will enable the county's legislative body to continue to function. (Note that this same concern does not arise for other elected officials because, under the Charter and general law, the deputy serving under each elected official may assume the responsibilities of the elected's office during a temporary disability of the official and the Council can act quickly to fill a vacancy).

The Continuity of Government Act (ch. 42.14 RCW), and its corresponding county code provision (SCC 2.36.075), address government continuity in the event of an enemy attack. However, neither provision addresses other types of catastrophes, such as a pandemic or a natural disaster. Charter 4.80 addresses vacancies generally, but it neither addresses the temporary incapacity of an elected official due to illness, nor does it provide a means for the Council to act if a majority of the Council is incapacitated or simultaneously deceased.

Problems may arise because Charter 4.80 requires a majority vote of the Council to fill vacancies, Charter 2.110 requires at least 3 Council member votes to pass regular ordinances, and section 2.120 requires 4 votes to pass emergency ordinances. In the event of a catastrophe, where action by emergency ordinances would be needed, a Council with reduced membership could present a significant problem.

As I indicated to you in my April 19, 2006 memorandum, ensuring the continuity of county government in times of crisis is an important policy consideration for the Commission. I encourage you to evaluate this issue with your independent counsel and I will make the services of other attorneys in my office who are knowledgeable in this area available to assist you.

cc: Steve Reinig, Administrative Analyst, Charter Review Commission

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