

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of Commissioners
Mark McCauley, County Administrator

FROM: Melissa Pleimann, Civil DPA

DATE: February 10, 2025

RE: BoCC Workshop for Discussing Procedure for Filling Sheriff Vacancy

STATEMENT OF ISSUE:

Jefferson County's elected Sheriff Joe Nole retired effective January 3, 2025, prior to the expiration of his term. The elected office became vacant as of January 4, 2025. The Jefferson County Board of County Commissioners are statutorily obligated to fill the partisan vacancy within 60 days with a deadline of March 4, 2025.

ANALYSIS:

BoCC has expressed an interest in better understanding this process. Since this situation does not occur often, it may be helpful to revisit the process and considerations involved. This workshop is intended to provide general information about the process and outline possible next steps for filling the vacancy and discuss how the BoCC would like to proceed. A copy of the PowerPoint Presentation for the workshop is attached.

FISCAL IMPACT:

Other than the time spent during the workshop, no financial impacts of the workshop will be required.

RECOMMENDATION:

Conduct the workshop and have BoCC give input on process and next steps as they desire.

DEPARTMENT CONTACT:

Melissa Pleimann, Civil DPA

REVIEWED BY:


Mark McCauley, County Administrator


Date



Filling the Vacancy: Jefferson County Sheriff

Presentation by
Melissa Pleimann, DPA

February 10, 2025

Introduction



Jefferson County's elected Sheriff Joe Nole retired effective January 3, 2025, prior to the expiration of his term.



The elected office became vacant as of January 4, 2025.



The Jefferson County Board of County Commissioners are statutorily obligated to fill the partisan vacancy within 60 days with a deadline of March 4, 2025.



This presentation is provided to outline the procedure for filling the vacancy and facilitate a discussion for how the BoCC would like to proceed.

Agenda

VACANCY

General Process for Filling a Vacancy



Qualifications & Application Materials



Vetting the Candidates



Evaluating and Voting on Candidates



February 10, 2025



General Process for Filling a Vacancy

Summary: Filling a Vacancy in a Partisan Office



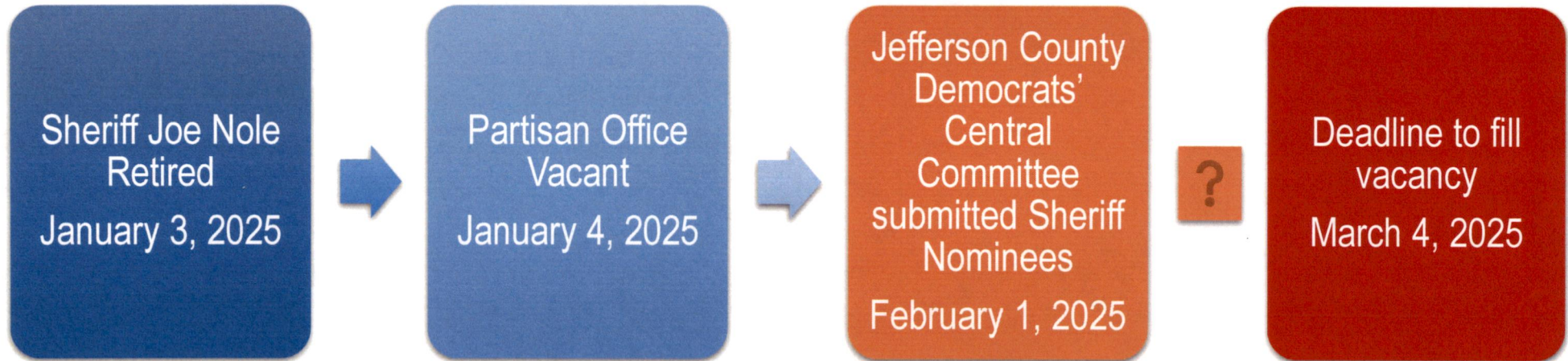
For all partisan non-judicial offices, Article II, § 15 (Amendment 52) of the Washington State Constitution dictates the office be filled by appointment of the board of county commissioners from a list of three candidates, eligible to hold office, nominated by the county political party from which the former official belonged.

The appointment shall be made within 60 days of the office becoming vacant.

If the commissioners are unable to make the appointment based on a majority vote, the governor shall make the appointment from the same three lists of candidates within 30 days of the commissioners becoming deadlocked.

If deadlocked, the commissioners do not have to wait for the 60 days to expire to refer the appointment to the governor.

Current Status



RCW 42.12.010 Causes of vacancy.



Every elective office shall become vacant on the happening of any of the following events:

- (1) The death of the incumbent;
- (2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;
- (3) His or her removal;
- (4) Except as provided in RCW * 3.46.067 and 3.50.057, his or her ceasing to be a legally registered voter of the district, county, city, town, or other municipal or quasi municipal corporation from which he or she shall have been elected or appointed, including where applicable the council district, commissioner district, or ward from which he or she shall have been elected or appointed;
- (5) His or her conviction of a felony, or of any offense involving a violation of his or her official oath;
- (6) His or her refusal or neglect to take his or her oath of office, or to give or renew his or her official bond, or to deposit such oath or bond within the time prescribed by law;
- (7) The decision of a competent tribunal declaring void his or her election or appointment; or
- (8) Whenever a judgment shall be obtained against that incumbent for breach of the condition of his or her official bond.

Every elective office shall become vacant on the happening of any of the following events:

(2) His or her resignation. A vacancy caused by resignation shall be deemed to occur upon the effective date of the resignation;

RCW 29A.04.110 Partisan office.



"Partisan office" means a public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The following are partisan offices:

- (1) United States senator and United States representative;
- (2) All state offices, including legislative, except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices for which a county home rule charter provides otherwise.

RCW 42.12.040

Vacancy in partisan elective office—Successor elected—When.



(1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the first day of the regular filing period, the position must be open for filing during the regular filing period as provided in RCW 29A.24.171 and a successor shall be elected at the general election. Except during the last year of the term of office, if such a vacancy occurs on or after the first day of the regular filing period, the election of the successor shall occur at the next succeeding general election as provided in RCW 29A.24.171. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected.



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Qualifications & Application Materials

RCW 42.04.020 Eligibility to hold office.



That no person shall be competent to qualify for or hold any elective public office within the state of Washington, or any county, district, precinct, school district, municipal corporation or other district or political subdivision, unless he or she be a citizen of the United States and state of Washington and an elector of such county, district, precinct, school district, municipality or other district or political subdivision.

RCW 36.28.010 General duties.



The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his or her office, he or she and his or her deputies:

- (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;
- (2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;
- (3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;
- (4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;
- (5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;
- (6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

RCW 36.28.025 Qualifications.



A person who files a declaration of candidacy for the office of sheriff after September 1, 1979, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.080 and * 43.101.160.

Application Materials



- Materials received from JCD
- Application packet
 - Interview questions
 - Supplemental written responses to questions
 - References
 - Communicate process to candidates

PRA



- Any records related to filling vacancies in elective office, including the names of applicants and their application materials, are subject to disclosure under the Public Records Act. While RCW 42.56.250(1)(b) exempts public employment applications from disclosure, this exemption specifically excludes applications for vacancies in elective office.
- Anything in writing about the person is subject to production.
 - Any written materials received by BoCC about this person subject to PRA
 - Any notes taken by commissioners subject to PRA, this includes any notes taken during executive session.



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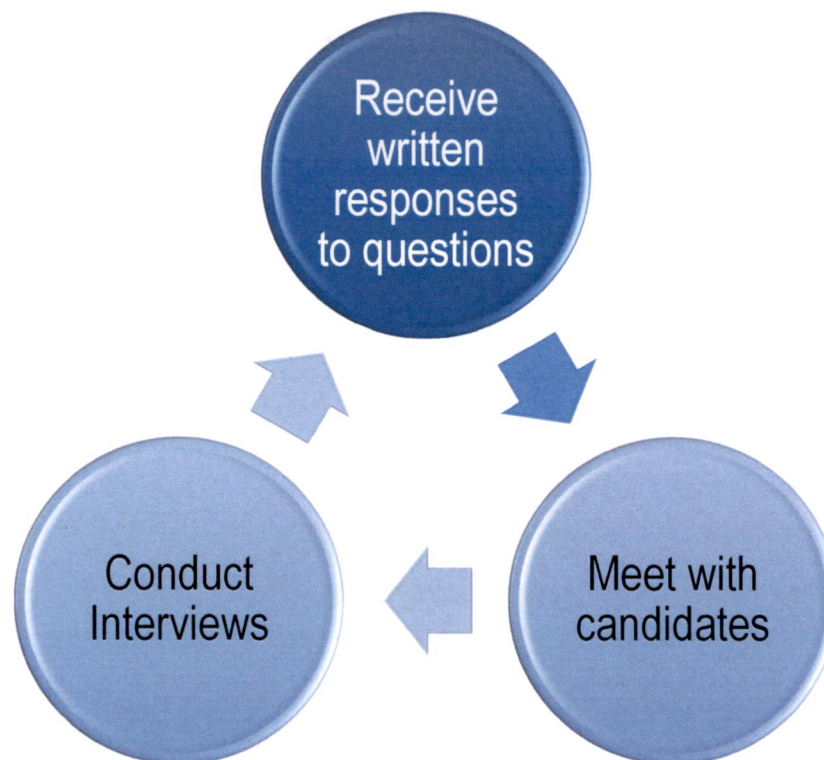
Vetting the Candidates

Overview



- Following the nomination of eligible candidates from the county political party, the BoCC may ask for written responses to questions and/or interview the candidates.
- If interviewing the candidates, the interviews **must** take place in an open public meeting.
- The BoCC may ask the candidates to voluntarily leave the room while the other candidates are being interviewed, but they cannot be required to leave.

Vetting the Eligible Candidates



Interviewing the Eligible Candidates



- How the interviews are conducted
 - Regular or Special Meeting open to the public
 - Special meeting
 - Limited to what is in the agenda
 - Consider what time of day
 - AM or PM?
- Public Comment Period: Public comment period prior to any action taken.
 - Public comment after each interview
 - Public comment after all interviews complete



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Evaluating & Voting on Candidates

Considerations for evaluating and voting



- The BoCC may evaluate the candidates in executive session, however, the BoCC **must not** take any kind of a vote in executive session, including narrowing down the candidate pool. RCW 42.30.110 (1)(h).
- The appointment then must be done in open session by a majority vote of the board.



Thank you

Melissa Pleimann, Civil DPA