

OKANOGAN COUNTY COMMISSIONERS'

RESOLUTION 36 -2022

A resolution appointing Albert Lin as Okanogan County Prosecuting Attorney

WHEREAS, the Board of County Commissioners as the county legislative authority was informed by Prosecuting Attorney Melanie Bailey that she would be vacating the office as elected county prosecutor effective January 28, 2022; and

WHEREAS, pursuant to the provisions of **RCW 36.16.115**:

Where a vacancy occurs in any partisan county elective office, other than a member of the county legislative authority, the county legislative authority may appoint an employee that was serving as a deputy or assistant in such office at the time the vacancy occurred as an acting official to perform all necessary duties to continue normal office operations. The acting official will serve until a successor is either elected or appointed as required by law. This section does not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section; and

WHEREAS, the initial appointment of an acting prosecutor would be short term, and would continue until an appointment is made pursuant to the state constitution, art. II, sec. 15;¹ and

WHEREAS, it is necessary to appoint an acting Prosecuting Attorney until the final appointment to fill the unexpired term is made; and

WHEREAS, Albert Lin has the skill, ability, and knowledge that qualifies her for the appointment to fill the vacant position of Prosecuting Attorney; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Okanogan County and necessary for the public health, safety, and welfare to appoint Albert Lin as Acting Prosecuting Attorney pursuant to RCW 36.16.115.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Okanogan County, pursuant to RCW 36.16.115, the Board does hereby appoint Albert Lin to begin their appointment at 9:00AM on March 25, 2022, to serve as Acting Prosecuting Attorney until such time an appointment is made pursuant to the state constitution, art. II, sec. 15.

¹ See Wa. Const. art. II, § 15: Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the county legislative authority of the county in which the vacancy occurs: Provided, *That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and has qualified...*

BE IT FURTHER RESOLVED, that according to RCW 29A.60.280(3)(a), Albert Lin shall be sworn in by the presiding Superior Court Judge up to ten days prior to the scheduled date of assuming office.

DATED at Okanogan, Washington this 22 day of March, 2022.

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**






Andy Hover, Chairman



Chris Branch, Member



Jim DeTro, Member

ATTEST:



Laleña Johns, Clerk of the Board