

CONTINUITY OF GOVERNMENT ANNEX C

C1. Purpose, Situation, and Assumptions

C1.1 Purpose

The purpose of this Continuity of Government Functional Annex is to guide and coordinate agencies and organizations in the resumption of government authority within Park County. During times of emergencies and disasters, maintaining authority within local government is vitally important. Some disasters may prevent current elected officials from performing their duties and replacements must be established quickly to maintain order. Lines of Succession for specific officials are established by Montana law. In some cases, Delegations of Authority may also be pre-established to define the responsibilities that may be transferred to other officials.

C1.2 Situation Overview

Continuity of government operations may be needed upon the death or incapacitation of several elected officials. Such circumstances rarely occur, but if they do, are likely related to a significant disaster or emergency.

Elected offices in Park County include:

- Board of County Commissioners (3 members)
- Clerk and Recorder
- Clerk of District Court
- Coroner
- County Auditor
- County Attorney
- District Court Judge
- Justice of the Peace
- Public Administrator
- Sheriff
- Superintendent of Schools
- Treasurer

Elected offices in the City of Livingston include:

- Commissioners (5 members)
- City Judge

Elected offices in the Town of Clyde Park include:

- Mayor
- Town Council (5 members)

Other critical positions exist within county, city, and town governments, however, these positions are generally appointed by the governing body or an administrative executive such as the City Manager.

C1.3 Planning Assumptions

- Vacancies exist in positions essential to government authority.
- At least one person within the lines of succession is capable of filling or appointing the vacant positions.

C2. Concept of Operations

Montana law outlines, in most cases, how vacancies for elected positions are to be filled. The following decision points highlight the specifics within law by position. County commissioners and other elected officials may transfer their responsibilities (where not already specified by state law) to other officials during times of disaster in the event of their death or unavailability. Delegations of authority should be in place for all critical functions prior to a disaster to minimize confusion and delays.

➤ **Decision Point: *County Commissioner position(s) needs to be filled.***

1. Vacancy is to be filled by remaining county commissioners. Reference: MCA 7-4-2106
2. If a quorum of remaining county commissioners cannot be established, the county compensation board may appoint enough commissioners to allow for a quorum to be established. Reference: MCA 7-4-2106
3. During or following an enemy attack, new commissioners are appointed by the judge(s) of the judicial district in which the vacancy occurs. Reference: MCA 10-3-603
4. If the judge(s) are not available from the judicial district where the vacancy occurs, the district judge who holds court in the county seat closest to the county seat where the vacancy is makes the appointment. Reference: MCA 10-3-603

➤ **Decision Point: *City Commission position(s) needs to be filled.***

1. Vacancy is filled by the remaining commission members. Reference: MCA 7-3-4317, Livingston City Code 2-14(F)
2. If all commission positions become vacant at one time, the board of county commissioners appoints members. Reference: MCA 10-3-604

➤ **Decision Point: *Mayor and/or Town Council position(s) needs to be filled.***

1. Vacancy is filled by majority vote of the remaining council members. Reference: MCA 7-4-4112
2. If all council positions become vacant at one time, the board of county commissioners appoints members. References: MCA 7-4-4112, MCA 10-3-604

- Decision Point: **County Sheriff** position needs to be filled.
 1. Vacancy is filled by the Undersheriff until a Sheriff is elected or appointed and duly qualified. Reference: MCA 7-32-2122
 2. Sheriff is appointed by county commissioners. Reference: MCA 7-4-2206
- Decision Point: **District Court Judge** position needs to be filled.
 1. Vacancy is appointed by the Governor based on a nominee list submitted by the commission on courts of limited jurisdiction. Reference: MCA 3-1-1010
- Decision Point: **County Coroner** position needs to be filled.
 1. The coroner or a qualified deputy coroner of another county is appointed by county commissioners. Reference: MCA 7-4-2902
- Decision Point: **County Attorney** position needs to be filled.
 1. Vacancy is appointed by county commissioners. Reference: MCA 7-4-2702
- Decision Point: **Justice of the Peace** position needs to be filled.
 1. Vacancy is appointed by county commissioners. Reference: MCA 3-10-206
- Decision Point: **Clerk and Recorder, County Treasurer, and/or Clerk of District Court** position(s) needs to be filled.
 1. Vacancy is appointed by county commissioners. Reference: MCA 7-4-2206
- Decision Point: **Disaster and Emergency Services Coordinator and/or Other County Department** position(s) needs to be filled.
 1. Vacancy is appointed by county commissioners. Reference: MCA 7-4-2206
- Decision Point: **City Manager** position needs to be filled.
 1. Vacancy is appointed by city commissioners. Reference: MCA 7-3-4361
- Decision Point: **City Executive / Department Head** position(s) needs to be filled.
 1. Vacancy is appointed by the city manager. Reference: MCA 7-3-4363

- *Decision Point: Notifications need to be made regarding activation of Continuity of Government operations.*

Generally, the person vacating the position or the individual(s) making the appointment or determination of the vacancy, if applicable, will contact the individual filling the position directly. Other options include having a 911 dispatcher call specific individuals to inform them of their role in maintaining government authority, or if standard means of communications are not available, law enforcement or other local officials may provide notification in person.

C3. Organization and Assignment of Responsibilities

The responsibilities listed here are specific to this function. Note that all entities, whether listed or not, are also responsible for their basic disaster and emergency responsibilities as outlined in the [Base Plan, Section 3.2](#), as applicable.

The following entities are not specific to jurisdiction. Therefore, in an emergency, the jurisdiction(s) affected will have the responsibility for these roles, and other non-affected jurisdictions may also be involved through mutual aid.

Principal Executive Officers / Local Elected Officials

- Perform duties in appointing individuals to position vacancies, as applicable by law.
- Ensure critical government continuity is maintained.

911 Dispatch

- Notify applicable individuals of Continuity of Government activation, as requested.

Law Enforcement

- Assist the Principal Executive Officers / Local Elected Officials and/or 911 Dispatch with notification of applicable individuals of Continuity of Government activation through personal contact, if needed.

Coroner

- Confirm deaths of Principal Executive Officers / Local Elected Officials and other positions, if needed.
- Assist the Principal Executive Officers / Local Elected Officials and/or 911 Dispatch with notification of applicable individuals of Continuity of Government activation through personal contact, if needed.

Government Administration

- Support newly appointed officials in performing their duties.

Other Entities

- Perform other duties as needed and assigned.

C4. Direction, Control, and Coordination

Additional information on the direction and control function can be found in the [Direction and Control Annex](#) and [Base Plan, Section 4](#). Continuity of government operations are often separate from the tactical disaster operations.

Other related state plans related to this annex (vertical coordination) include:

- State of Montana Disaster and Emergency Plan, Continuity of Government Plan

C5. Information Collection and Dissemination

C5.1 Information Collection for Planning

Information related to Continuity of Government activities may be hard to acquire due to communication disruptions and other disaster related challenges. If possible, confirmation of position vacancies may be acquired from the following sources:

- Individual vacating the position
- Coroner (if vacancy is due to a death)
- Death certificate (if vacancy is due to a death)
- Family member (if vacancy is due to a death or incapacitating illness or injury)

Confirmation of a filled vacancy should be made with the individual or governing body making the appointment and the individual filling the vacancy.

During times of disaster, these confirmations may be in writing or provided verbally (via telephone or emergency radio) until written confirmation is possible. At a minimum, dated personal records and/or notes should include the individual position(s) vacated, reason(s), person providing the confirmation of such, method of the confirmation, individual appointed to the vacancy, and method and time of notification and acceptance.

C5.2 Public Information

Information regarding the public information function can be found in the [Public Information Annex](#).

During times of disaster and civil unrest, the general public often worries about who is “in charge” and the stability of government. Timely public information may diminish perceptions of anarchy and provide comfort for the citizenry. Therefore, clear, consistent, and coordinated messages should be provided by county, city, and/or town governing bodies. The types of questions the general public may want answers to include:

- What vacancies were created and why?
- Who are the individuals that will be or are filling the vacancies?
- Who appointed or authorized the filling of the vacancies?

- How long is the appointment for?
- Are basic government functions being performed?

C6. Communications

See the [Communications Annex](#) for more details on emergency communications in Park County.

Local elected officials, with the exception of the Sheriff, typically do not carry the traditional emergency radios that first responders do. Therefore, communications with these officials and their potential replacements will likely occur via telephone, cellular telephone, or in person.

C7. Administration, Finance, and Logistics

C7.1 Finance/Administration

The Continuity of Government function generally does not involve financial transactions, however, the incident leading to leadership vacancies may, and standard disaster resource and financial tracking should be used. For additional information on the Finance/Administration function, particularly the importance of recordkeeping, see the [Base Plan, Section 7.1](#). Administratively, all records outlining delegations of authority and appointments of individuals to various positions must be maintained.

C7.2 Logistics

For additional information on disaster and emergency logistics, see the [Base Plan, Section 7.2](#).

C8. Plan Development and Maintenance

See the [Base Plan, Section 8](#) for additional information on annex development, review, revision, and exercise.

C9. Authorities and References

C9.1 Authorities / References

- Montana Code Annotated 3-1-1010: Lists Submitted to Governor and Chief Justice – Report on Proceedings
- Montana Code Annotated 3-10-206: Vacancies
- Montana Code Annotated 7-3-4317: Vacancies
- Montana Code Annotated 7-3-4361: Appointment of City Manager
- Montana Code Annotated 7-3-4363: Powers and Duties of City Manager

- Montana Code Annotated 7-4-2106: Vacancy on Board of County Commissioners
- Montana Code Annotated 7-4-2206: Vacancies
- Montana Code Annotated 7-4-2702: Procedure to Fill Vacancy in Office of County Attorney
- Montana Code Annotated 7-4-2902: Vacancy in Office of County Coroner or Disqualification of Coroner
- Montana Code Annotated 7-4-4112: Filling of Vacancy
- Montana Code Annotated 7-32-2122: Duties of Undersheriff
- Montana Code Annotated 10-3-603: Filling Vacancy in Boards of County Commissioners
- Montana Code Annotated 10-3-604: Filling Vacancy in City or Town Governing Bodies

C9.2 Acronyms

See the [Base Plan, Section 9.4](#) for the list of acronyms used in this plan.

C10. Attachments

None.