

Bond Case Briefs

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Koler/Land Use & Property Law, PLLC v. City of Black Diamond

Court of Appeals of Washington, Division 1 - December 27, 2021 - P.3d - 2021 WL 6112336

Attorneys filed lawsuit against city seeking injunctive and declaratory relief as well as monetary damages for city's breach of their contracts for legal services.

The Superior Court granted summary judgment to city. Attorneys appealed.

The Court of Appeals held that:

- Mayor lacked exclusive authority to determine who would act as city attorney, and
- City counsel had authority to contract for legal services to challenge mayor's conduct in rejecting council's resolutions discharging purported city attorneys.

Mayor of noncharter code city lacked exclusive authority to determine who would act as city attorney, where city had not passed ordinance making city attorney an appointive officer, legal service agreements for purported city attorneys were terminable at will either on 30 or 60 days' notice despite city code provision requiring appointive officers to receive salary and setting maximum term of one year for such officers, and agreements were more consistent with alternative method of obtaining legal advice through reasonable contractual arrangement for such professional services.

City counsel for noncharter code city had authority to contract for legal services to challenge mayor's conduct in rejecting council's resolutions discharging purported city attorneys, even though lawsuit initiated on behalf of council was dismissed with prejudice without ruling in council's favor, where there were clear disputes between mayor and council regarding legality of mayor's conduct and council would have prevailed in lawsuit had it proceeded to final resolution.