

Bond Case Briefs

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In re Recall of Bolt

Supreme Court of Washington, En Banc - March 28, 2013 - P.3d - 2013 WL 1286213

Court finds charges levied against mayor in recall petition factually insufficient.

Three town council members filed recall petition against mayor and a fourth council member. The superior court found that only one charge against mayor and council member was factually and legally sufficient to support a recall election. The council members appealed.

The Supreme Court of Washington held that:

- Mayor's failure to impose progressive discipline before discharging town employee was factually insufficient for recall;
- Bullying allegations were factually insufficient for recall;
- De minimis personal use of town vehicle was insufficient for recall;
- Alleged improper approval of construction before council member took office was not proper basis for recall;
- Mayor's alleged clerical work for town was legally insufficient for recall;
- Supreme Court would review superior court's finding that a charge was sufficient for recall; and
- Purchases of used equipment for town without advance authorization were legally insufficient for recall.

"Factual sufficiency" of a recall petitioner's charges means that the charges: 1) "state the act or acts complained of in concise language" and "give a detailed description including the approximate date, location, and nature of each act complained of;" and 2) enable the public and the challenged public official to identify the acts or failure to act which without justification would constitute a prima facie showing of misfeasance, malfeasance, or a violation of the oath of office.