

Bond Case Briefs

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Stevens County ex rel. Rasmussen v. Travelers Surety and Casualty Company of America

Court of Appeals of Washington, Division 3 - March 31, 2022 - P.3d - 2022 WL 965155

County prosecutor sued county commissioners and sureties on their official bonds claiming they were individually liable on their bonds for voting to approve unconstitutional gifts to homeless fund.

The Superior Court entered summary judgment in favor of prosecutor. Commissioners appealed.

The Court of Appeals held that:

- Commissioners could not be held individually liable on official bonds, and
- Constitutional requirement of strict accountability of county officers for public money coming into their possession did not apply.

County commissioners who had approved allegedly unconstitutional gift of public money to homeless fund could not be held individually liable on official bonds; commissioners acted as legislative body, bonds covered commissioners in individual capacity, and propriety of their votes could not make them liable under terms of their official bonds.

Constitutional requirement of strict accountability of county officers for public money coming into their possession did not apply to commissioners' involvement in legislatively authorizing allegedly unconstitutional appropriation for homeless fund; commissioners themselves never handled public money so as to expose themselves to absolute liability.

Mere errors of judgment or misconstruction of statutes do not meet standard for holding county commissioners individually liable on their bonds for nonministerial acts upon finding of abuse of discretion; instead, liability requires proof not only that official made error or mistake, but that error or mistake was product of corrupt or malicious motives.