

# **Bond Case Briefs**

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## **PUBLIC EMPLOYMENT - WASHINGTON**

### **U.S. Sportsmen's Alliance Foundation v. Smith**

**Supreme Court of Washington, En Banc - October 17, 2024 - P.3d - 2024 WL 4509254**

Wildlife-conservation organization brought action against member of Washington Fish and Wildlife (WFW) Commission, who was also a member of county planning commission, alleging member was statutorily prohibited from holding both positions concurrently.

On cross-motions for summary judgment, the Superior Court entered judgment in favor of organization. Commission member sought direct review, which was granted.

The Supreme Court held that:

- Term “office,” as used in statute providing that persons eligible for appointment as members of WFW Commission shall not hold another state, county, or municipal elective or appointive “office,” means a position of authority, duty, or responsibility conferred by a governmental authority for a public purpose or to exercise a public function, and
- Position of commissioner on county planning commission was an “office” under such statute.

Term “office,” as used in statute providing that persons eligible for appointment as members of Washington Fish and Wildlife (WFW) Commission shall not hold another state, county, or municipal elective or appointive “office,” means a position of authority, duty, or responsibility conferred by a governmental authority for a public purpose or to exercise a public function, rather than only positions that independently exercise part of the government’s sovereign power.

Position of commissioner on county planning commission was an “office” under statute providing that persons eligible for appointment as members of Washington Fish and Wildlife (WFW) Commission shall not hold another state, county, or municipal elective or appointive “office,” and therefore member of WFW Commission was precluded from being a WFW Commission member and a county planning commissioner concurrently; county planning commission’s authority was conferred by a governmental authority, it was created for a public purpose, serving on county planning commission was an appointed position, and county planning commission was authorized, and sometimes required, to hold public hearings in exercise of its duties.