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NO. 92749-9

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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON, on the Relation of Gregory M.  
Banks, Prosecuting Attorney of Island County,  
Appellant,

vs.

SUSAN E. DRUMMOND, and Law Offices of Susan Elizabeth  
Drummond, PLLC; and ISLAND COUNTY BOARD OF  
COMMISSIONERS,  
Respondents.

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AMICUS CURIAE  
WASHINGTON STATE ASSOCIATION OF COUNTIES  
STATEMENT OF ADDITIONAL AUTHORITIES

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ORIGINAL

Amicus Curiae Washington State Association of Counties, by and through its attorney Josh Weiss, respectfully provides the Court with the following additional authority pertinent to this case pursuant to RAP 10.8.

The Island County Board of Commissioners cited to *Harter v. King County*, 11 Wn.2d 583, 119 P.2d 919 (1941), in its Corrected Response to Appellant's Opening Brief at pages 30-31, but omitted the following language which bears directly on the issue raised by Justices Wiggins, Fairhurst and Stephens during oral argument concerning the relative authority of the county prosecutor and county legislative authority to perform county business:

Rem. Rev. Stat., § 4056 [P.C. § 1664], provides in part as follows:

"The several boards of county commissioners are authorized and required, --

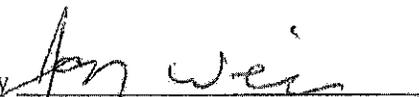
6. To have the care of the county property and the management of the county funds and business, and in the name of the county to prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law." (Laws of 1869, p. 305, § 11.)

**Thus by statute, both the board and the prosecuting attorney are authorize [sic] and obligated to defend actions against the county. But we do not believe these statutes are contradictory or irreconcilable. We think their plain import is that the prosecuting attorney represents the county and the board in defense of the county, unless directed by the board to do otherwise, in which event the board may appoint another attorney to represent the county's interests.**

*Harter v. King County*, 11 Wn.2d 583, 595, 119 P.2d 919 (1941) (emphasis added).

RESPECTFULLY SUBMITTED this 23rd day of November, 2016.

WASHINGTON STATE ASSOCIATION  
OF COUNTIES

By 

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**CERTIFICATE OF SERVICE**

I, Josh Weiss, certify and declare:

I am over the age of 18 years, make this Declaration based upon personal knowledge, and am competent to testify regarding the facts contained herein.

On November 23, 2016, I served true and correct copies of the document to which this certificate is attached on the parties listed below via email:

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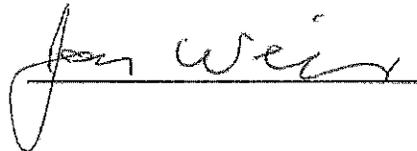
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I certify under penalty of perjury pursuant to the laws of the State  
of Washington that the foregoing is true and correct.

SIGNED on November 23, 2016, at Olympia, Washington.

A handwritten signature in black ink, appearing to read "Jeffrey T. Even", is written over a solid horizontal line.

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Please find the attached Statement of Additional Authorities on behalf of the Washington State Association of Counties.

**Josh Weiss**

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*"The Voice of Washington Counties"*

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