

Wash. AGLO 1970 NO. 38 (Wash.A.G.), 1970 WL 105039

Office of the Attorney General

State of Washington
AGLO 1970 No. 38
March 19, 1970

*1 Honorable E. R. Whitmore, Jr.
Chelan County Prosecuting Attorney
P.O. Box 596
Wenatchee, Washington 98801

Dear Sir:

This is written in response to your recent letter requesting our opinion on a question pertaining to the terms of public library board members who are governed by the provisions of [RCW 27.12.190](#). We paraphrase your question as follows:

In applying the prohibition contained in [RCW 27.12.190](#) against the appointment of any person to a public library board of trustees for more than two consecutive terms, does the abbreviated initial term of a first appointee to the board constitute a term?

We answer this question in the affirmative.

ANALYSIS

The critical portion of [RCW 27.12.190](#), pertaining to public library boards, was added to this statute through the enactment of § 2, chapter 133, Laws of 1959 (House Bill No. 111). As set forth in your letter, this amendatory provision reads as follows:

”... The first appointments for boards composed of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed or elected to any board of trustees for more than two consecutive terms....“

In AGO 59-60 No. 66 [[to Prosecuting Attorney, Walla Walla County on September 15, 1959]], copy enclosed - which also dealt with the 1959 amendment in question - we noted and applied thereto the following basic rule of construction: ”... The rule is that where the language of the statute is plain, free from ambiguity and devoid of uncertainty, there is no room for construction because the meaning will be discovered from the wording of the statute itself. [Shelton Hotel Co. Inc., v. Bates](#), 4 Wn.2d 498, 104 P.2d 478.... “¹

Based upon this rule, we then concluded that the prohibition against appointment to serve more than two consecutive terms, as contained in the 1959 amendment, should, in the absence of any indication of legislative intent to the contrary, be deemed applicable to terms served prior to the effective date of the 1959 amendment as well as to those terms served thereafter.

On the basis of precisely this same reasoning, we can reach no other conclusion in response to the question you have posed than that the initial term of every first appointee to a public library board - irrespective of its length - is just as

much a term of office as any ensuing term, for purposes of application of the prohibition in question. Accordingly, we feel constrained to answer your question, as paraphrased, in the affirmative.

We trust that the foregoing will be of assistance to you.

Very truly yours,

For The Attorney General

Philip H. Austin
Assistant Attorney General

Footnotes

- 1 See, also, [In re Baker's Estate](#), 49 Wn.2d 609, 304 P.2d 1051 (1956); [Parkhurst v. Everett](#), 51 Wn.2d 292, 318 P.2d 327 (1957); [King County v. City of Seattle](#), 70 Wn.2d 988, 425 P.2d 887 (1967).

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