

**CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511**

March 10, 2000

OPINION 2000-004

TO: Common Council Organizational Committee

FROM: Eunice Gibson, City Attorney

SUBJECT: Resolution requesting the Mayor's Office to obtain certain information about proposed appointees to the Board of Police and Fire Commissioners

You have asked my opinion as to whether or not this proposed resolution is within the Council's authority to adopt. I believe that it is. A copy of the resolution is attached to this opinion for your reference.

The resolution requests the Mayor's Office to gather certain information on proposed appointments to the Police and Fire Commission before their names are submitted to the Council for approval. The Council does not exceed its authority by making a request of this nature.

The resolution does not require the Mayor to do this, does not suggest a penalty for failure to do it, and does not require the Mayor, if she/he obtains the information as requested, to use the information in any particular manner.

The Board of Police and Fire Commissioners is a body created by the statutes. See Sec. 62.13, et seq., Wis. Stats. Sec. 62.13 (1), Wis. Stats., entitled "Commissioners", establishes limited criteria for appointment to the Board: "No appointment shall be made which will result in more than three members of the board belonging to the same political party." It is not certain that a local governing body has authority to impose additional qualifications not imposed by the statute. The attached resolution does not do that, however. Adoption of this resolution is within the Council's authority, and is a matter of policy for the Council to determine.

Eunice Gibson
City Attorney

CAPTION: The adoption of the attached resolution is within the Council's authority.

EG:nje
Cc: Mayor
City Clerk