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RQ-0294-*gc* MARIO GALLEGOS, JR.

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

OCT 12 2000

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The Honorable John Cornyn
Attorney General of Texas
P.O. Box 12548
Austin, TX 78711

OPINION COMMITTEE

RE: Clarification of Local Government Code § 143.006(b)

FILE # *ML-41695-00*

I.D. # *41695*

Dear General Cornyn:

On behalf of the City of South Houston, I am requesting a clarification of Local Government Code § 143.006(b) regarding appointments to the Fire Fighters' and Police Officers' Civil Service Commission.

In specific, § 143.006(b) states that the three members of the commission are to be appointed by the municipality's chief executive and confirmed by the governing body of the municipality. In the event of a vacancy, however, the same section states that the chief executive shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment. Please clarify the following:

- Upon expiration of a member's term, is this considered a vacancy in the sense expressed by this section?
- If so, does the appointment of another member of the commission need confirmation by the governing body?
- Does the municipality's governing body have the right or responsibility to appoint commission members without consent or approval of the chief executive?
- How many times can the governing body of a municipality refuse confirmation of a chief executive's appointment?
- When are these refusals considered a violation of the § 143.006(h)?



COMMITTEES: REDISTRICTING, CO-CHAIR ★ FINANCE ★ NOMINATIONS, VICE CHAIR ★ HUMAN SERVICES

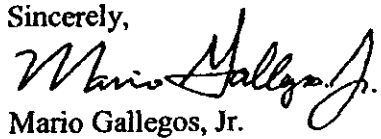
DISTRICT 6

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Thank you for your time and attention to this request. Should you need any additional information to render your Opinion, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Mario Gallegos, Jr." with a stylized flourish at the end.

Mario Gallegos, Jr.
Co-Chairman, Redistricting