



The State of Wisconsin  
Department of Justice

*Vergunt*  
C83021801

123 West Washington Avenue  
Mailing Address: P.O. Box 7857  
Madison, Wisconsin 53707

March 17, 1983

Bronson C. La Follette  
Attorney General

F. Joseph Sensenbrenner, Jr.  
Deputy Attorney General

Mr. Nicholas O. Funkhouser  
District Attorney  
Green County Courthouse  
Monroe, Wisconsin 53566

Dear Mr. Funkhouser:

You request advice pursuant to section 19.98, Stats., whether a "citizens' advisory group" appointed by the mayor during a meeting of the common council and composed of four members of the council, the city attorney and three other persons constitutes a governmental body subject to the open meetings law. You state that the council did not formally propose or ratify the creation of such a committee. You indicate that the city attorney states that there is no ordinance, resolution, rule or order of the council which creates the advisory group and that it has no governmental authority but may only advise the city council.

I am of the opinion that it probably is a "governmental body" within the definition set forth in section 19.82(1) which provides in part: "'Governmental body' means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order ...."

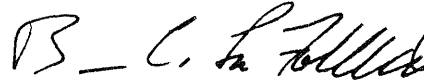
The word "order" is not defined in the subchapter. We are not dealing with technical or statutory definitions of "rule" and "order" as was the case in Wis. Elec. Power Co. v. DNR, 93 Wis. 2d 222, 251, 287 N.W.2d 113 (1980). By reason of section 990.01(1) it is to be construed according to its common and approved useage. Webster's Third New International Dictionary 1588 (3rd ed. 1976) defines "order" to include: "3a(2): an authoritative mandate usu. from a superior to a subordinate."

If the committee has any viability at all it is because it was created, and the appointments were made, by order of the chief executive of the city. The order must also have given some charge or commission to such committee. It apparently has no other purpose than a governmental purpose. Meetings of a

Mr. Nicholas O. F Khouser  
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governmental body are subject to the statute even if the power of such body is advisory only.

Sincerely yours,

A handwritten signature in cursive script, reading "B. C. La Follette". The signature is written in dark ink and is positioned above the typed name. A long, thin horizontal line extends from the end of the signature to the right.

Bronson C. La Follette  
Attorney General

BCL:kdh