

OFFICE OF THE ATTORNEY GENERAL ^{File #} 243



79-00282

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STATE OF ALABAMA

SEP 10 1979

ADMINISTRATIVE BUILDING
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MONTGOMERY, ALABAMA 36130
AREA (205), 824-5150

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J. Frank Lanier, Mayor
Town of Eclectic
P.O. Box 266
Eclectic, Alabama, 36024

Municipalities - Town of
Eclectic - Volunteer Fire
Departments

Town may not purchase disability insurance for members of volunteer fire department unless contractual relationship exists. Under certain circumstances council-members who serve as volunteers may receive coverage.

Dear Mayor Lanier:

This office has received your opinion request in which you ask if it is legal for the Town of Eclectic to purchase disability insurance for volunteer firemen. We have been informed that no contractual relationship exists between the Town and the volunteer fire department.

Section 94 of the Constitution of Alabama 1901, as amended by Amendment 112, provides that no municipality may grant public money or thing of value to any individual or association. Since there is no contractual relationship, this office is of the opinion that because of Section 94, supra, the Town may not purchase disability insurance for volunteer firemen.

However, it is the further opinion of this office that the Town of Eclectic could, under its authority to provide fire protection as set forth in Code of Alabama 1975, §11-43-140, contract with the volunteer fire department in order to secure "efficient service". A part of the consideration for the contractual agreement could be the payment for disability insurance for the volunteers of the volunteer fire department.

J. Frank Lanier, Mayor
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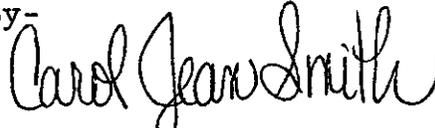
You also wish to know if the city councilmen who serve as volunteers could receive disability insurance benefits. Although Code of Alabama 1975, §11-43-12 prohibits any councilman from being directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the treasury, it is the opinion of this office that possible disability insurance benefits are so remote as not to be an evil which the legislature intended to prevent in enacting this statute. However, it is the further opinion of this office that any councilmen who serve as volunteer firemen should not vote on the matter of a contract with the volunteer fire department where the payment of disability insurance premiums are a part of the stated consideration of the contract.

I do hope that this response fully answers your question. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By-



CAROL JEAN SMITH
Assistant Attorney General

CJS/sa