

OFFICE OF THE ATTORNEY GENERAL



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APR 8 1980

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205), 834-5150

Honorable Clarence F. Rhea
Rhea, Boyd & Rhea
930 Forrest Avenue
Gadsden, Alabama 35901

Municipalities - Officers and
Offices - Compensation

Sections 68 and 281 of the
Constitution and Section 11-43-9
of the Code prohibit payment
to the mayor and council for lost
time from employment when
attending court hearings.

Opinion by Assistant Attorney
General Smith

Dear Mr. Rhea:

This office has received the opinion request of the
City of Hokes Bluff. The following question is asked:

Is the City Council authorized to pay its
Council members and Mayor, upon certificate
with respect to lost time from employment
or voucher as to actual expenses, for
time spend in court and/or preparation
for court on matters wherein the
City is a defendant and/or the City's
interests require attendance by such
persons at court?

Your question is to be answered in the negative.

Honorable Clarence F. Rhea
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Constitution of Alabama 1901, Sections 68 and 281
and Code of Alabama 1975, § 11-43-9 prohibit an increase in the
fees, salary, compensation or emoluments of municipal offi-
cials during their term of office. It is the opinion of this
office that payment for lost time would, in effect, be an
increase in compensation during the term of office and,
therefore, prohibited by both the Constitution and the Code.

I do hope this response fully answers your inquiry.
If not, however, please do not hesitate to let us know.

Sincerely yours,



CHARLES A. GRADDICK
Attorney General

CAG:cjs