

OFFICE OF THE ATTORNEY GENERAL ⁸³⁻⁰⁰¹⁹²



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

FEB 18 1983

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 634-5150

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JANIE NOBLES
ADMINISTRATIVE ASSISTANT

Ms. Glenda Smith
Town Clerk
Town of Eclectic
P.O. Box 540
Eclectic, AL 36024

Municipalities -- Police Officers --
Compensation

Town Council may increase
salaries of Town Clerk and
Chief of Police

Dear Ms. Smith:

The opinion request of the Town of Eclectic has been received in the Office of the Attorney General. You wish to know whether the council is prohibited from increasing the salaries of the Town Clerk and Police Chief during the terms for which they have been appointed.

This office has held that there are no constitutional or statutory provisions which prohibit an increase in salary of either the town clerk or chief of police. See copies of enclosed opinions to Honorable Judy Bolding, City Clerk of Sardis City, under date of March 8, 1979, and Honorable John R. Phillips, City of Oxford under date of November 9, 1972. Those opinions are based on the premise that while the town clerk and chief of police are often called, municipal officers, they are municipal employees in the sense that they may be removed by the governing body at any time. It is, therefore, the opinion of this office that the Town Council of Eclectic is not prohibited from increasing the salaries of the Town Clerk and Police Chief.

Ms. Glenda Smith
Page Two

I do hope that this response sufficiently answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By--



CAROL JEAN SMITH
Assistant Attorney General

CJS:es

Enclosures

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

3-8-79

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AREA (205) 634-5130

Ms. Judy Bolding
City Clerk, Sardis City
Post Office Box 541
Boaz, Alabama 35957

Municipalities - Employers
and employees - Salaries.

City Council may increase
salary of City Clerk.

Dear Ms. Bolding:

This office has received your opinion request asking if the City Council of Sardis City may increase your salary as City Clerk. Your question is answered in the affirmative.

This office held in an Opinion to Honorable John R. Phillips, City Attorney of Oxford, under date of November 9, 1972, a copy of which is enclosed, that while a City Clerk is often called a municipal officer, the City Clerk is an employee in the sense that he or she may be removed by the governing body of the municipality at any time. Code of Alabama 1975, §§11-43-4 and 11-43-160. The salary of the City Clerk is, therefore, not controlled by those constitutional and statutory provisions which prevent a change in the salary of a public officer.

Ms. Judy Bolding
Page 2

This response to your first question makes a response to your second question unnecessary. If, however, this office may be of further assistance to you, please do not hesitate to call on us.

Very truly yours,

CHARLES A. GRADDICK
Attorney General

By-



CAROL JEAN SMITH
Assistant Attorney General

CJS/dwm

Enclosure

44
November 9, 1972

Honorable John R. Phillips
Attorney at Law
Suite 410
Commercial National Bank Building
Anniston, Alabama 36201

Dear Mr. Phillips:

Reference is made to your request for an opinion of this office submitted on behalf of the City of Oxford in which you ask whether the City Council is authorized to increase the salaries of the City Clerk and the Chief of Police.

Your question is answered in the affirmative. While the persons who hold the municipal positions to which your request refers are some times called municipal officers, they are municipal employees in the sense that they may be removed by the governing body at any time. See Title 37, Section 451, Code of Alabama 1940, Recompiled 1958. The salaries of these employees are not controlled by those constitutional and statutory provisions which prevent a change in salary of a public officer.

We trust that this opinion furnishes the desired information.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General
By-

PAUL T. GISH, JR.
Assistant Attorney General

PTGJR:dh