

# OFFICE OF THE ATTORNEY GENERAL



93-00148

JIMMY EVANS  
ATTORNEY GENERAL  
STATE OF ALABAMA

MAR - 2 1993

ALABAMA STATE HOUSE  
11 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205) 242-7300

Honorable Joe W. Cotton, Jr.  
Mayor, Town of Elberta  
P. O. Box 217  
Elberta, AL 36530

Municipal Councilmen - Fire  
Departments - Volunteers -  
Offices and Officers -  
Conflicts of Interest

A member of the Town Council  
of Elberta may serve in the  
uncompensated position of  
treasurer of the volunteer  
fire department.

Dear Mr. Cotton:

This opinion is issued in response to your request for  
an opinion from the Attorney General.

## QUESTION

Can a member of the Town Council of  
Elberta serve as treasurer of the  
volunteer fire department?

## FACTS, LAW AND ANALYSIS

It is stated in the resolution of request that the  
officers of the town's volunteer fire department do not  
receive compensation of any kind.

Section 280 of the Constitution of Alabama 1901  
prohibits an individual from holding two offices of profit  
simultaneously. The Attorney General has concluded that an

Honorable Joe W. Cotton, Jr.  
Page 2

uncompensated officer of a volunteer fire department does not hold an office of profit and, therefore, a member of the city council may hold such position. Opinion to Honorable William Crowe, Mayor, Town of Valley Head, dated October 6, 1992, A.G. No. 93-00012.

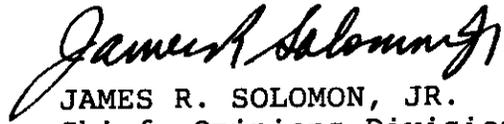
CONCLUSION

A member of the Town Council of Elberta may serve in the uncompensated position of treasurer of the volunteer fire department.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS  
Attorney General  
By:

  
JAMES R. SOLOMON, JR.  
Chief, Opinions Division

JE/LKO/jho

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