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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Kenneth Copeland
Mayor, Town of Littleville
1810 George Wallace Highway
Littleville, Alabama 35674

Municipalities – City Council
Members – Office of Profit – Officer
and Employees – Conflicts of
Interest – Colbert County

A councilmember may be employed
as a firefighter of another
municipality and a hospital
paramedic.

Dear Mayor Copeland:

This opinion of the Attorney General is issued in response to your
request on behalf of the Town of Littleville.

QUESTION

May a member of the Littleville Town
Council work as a firefighter for the City of
Tuscumbia and a paramedic with Helen Keller
Hospital?

FACTS AND ANALYSIS

Section 280 of the Constitution of Alabama prohibits an individual
from holding two offices of profit simultaneously. ALA. CONST. art.
XVII, § 280. “The determining factor as to whether a position is an office
of profit is whether the holder exercises some portion of the sovereign
power of the state, and the holder must also be entitled to a fixed com-
pensation for the position.” Opinion to Honorable Tracy L. Hawsey,

Honorable Kenneth Copeland

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Sheriff of Conecuh County, dated September 5, 2003, A.G. No. 2003-235 at 2.

A city firefighter does not hold an office of profit. Opinion to Honorable W. Sidney Fuller, City Attorney, dated June 4, 1992, A.G. No. 92-00277. A paramedic, as an employee of a hospital, does not exercise any portion of the sovereign power of the state, and therefore, does not hold an office of profit. *See State v. Baumhauer*, 244 Ala. 1, 12 So. 2d 326 (1942), which discusses the difference between public employment and a public office.

CONCLUSION

A councilmember may be employed as a firefighter of another municipality and a hospital paramedic.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

LUTHER STRANGE
Attorney General

By:



BRENDA F. SMITH
Chief, Opinions Division

LS/GWB

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