

Sponsor: Musgrove

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FLORENCE, ALABAMA, as follows:

The City Council of the City of Florence, Alabama ("City"), respectfully requests an opinion from the Honorable Steve Marshall, Attorney General of the State of Alabama, as follows:

If the mayor closes City departments due to severe weather or anticipated severe weather, may the City pay non-essential hourly employees who do not work during the closure without violating Section 94 and/or Section 68 of the Alabama Constitution? May the City pay essential hourly employees who must work during such a closure at a rate higher than their normal rate of pay?

Currently, non-essential hourly employees of the City who are unable to safely travel to work during a severe weather event are allowed to use accrued vacation time for the absence. Ala.Const. Art. IV, § 94 reads, in pertinent part,

The Legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever[.]

Ala.Const. Art. IV, § 68 reads, in pertinent part,

The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made[.]

If the mayor closed City departments due to severe weather or anticipated severe weather, would paying non-essential hourly employees who did not work during the closure constitute a grant of public money to an individual in violation of Ala.Const. Art. IV, § 94? Secondly, under the same circumstances, would paying non-essential hourly employees who did not work during the closure constitute a grant of any extra compensation, fee, or allowance to an employee after service had been rendered in violation of Ala.Const. Art. IV, § 68? In conjunction with paying the non-essential hourly employees who did not work when City departments were closed due to severe weather or anticipated severe weather, would paying essential hourly employees who did work during the closure more than their normal hourly rate constitute a grant of public money to an individual in violation of Ala.Const. Art. IV, § 94? Would paying these essential hourly employees who did work during the closure constitute a grant of any extra compensation, fee, or allowance to an employee after service had been rendered in violation of Ala.Const. Art. IV, § 68? If paying hourly City employees under these circumstances is possible, what actions should the mayor and city council

take to ensure compliance with the Alabama Constitution and state law?

The City greatly appreciates your time, consideration, and advice with respect to this matter.

ADOPTED this _____ day of _____, 2025.

CITY COUNCIL

APPROVED this _____ day of _____, 2025.

MAYOR

ADOPTED & APPROVED this _____ day of _____, 2025.

CITY CLERK-TREASURER