

From: Hardy, William P (Pat)
Sent: February 9, 2015
Subject: Question

Question: We have received two checks from one of our aldermen. He does not want to be paid for his position as an alderman. Do we need anything besides a signed memo from him for the file?

Answer: Believe it or not the Town should write him the check and he can then “donate” it back. This is not a requirement in the law, but is highly suggested by Stephanie Allen, MTAS Attorney. Evidently there have been cases where creditors have gone after an official’s forgone salary where the city did not actually write him a check. In this case the official’s creditors were later able to demand (and receive) the salary. This being the case, it is against public policy not to pay the individual, because they or someone else could come back on the Town at a later date. Thus, you should pay him and let him donate it back.

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