

Bond Case Briefs

Municipal Finance Law Since 1971

EMPLOYMENT - ALABAMA

Trenier v. City of Prichard

Supreme Court of Alabama - November 21, 2014 - So.3d - 2014 WL 6608552

City Fire Chief was informed by Mayor that his employment was terminated following the expiration of his five-year employment agreement with the City. Fire Chief sued the City, challenging the Mayor's "unilateral" action and alleging that he could be removed from office only upon the recommendation by the mayor with the approval of four council members.

The City, on the other hand, asserted that it was common practice on the part of the mayor and the city council to use employment agreements for specific limited terms to effectuate both the appointment and removal mandates of § 11-43C-38(a) (governing the appointment and removal from office of fire chiefs and police chiefs in Class 5 municipalities) and that once the city council voted to approve the Fire Chief's agreement for a limited term, no further action was needed to remove him from office in the event he was not reappointed.

The Supreme Court of Alabama agreed with the City, holding that nothing in the plain language of § 11-43C-38(a) prohibits a city from using an employment agreement with a limited term for the purpose of satisfying both the approval and/or removal mandates of the statute. The City Council's initial action approving the employment agreement that was due to expire on April 19, 2012, impliedly satisfied the removal mandates of § 11-43C-38(a), and it was unnecessary for the City Council to formalize what it had already approved, because requiring it to do so would be illogical and would produce the same result.