


MEMORANDUM

TO: Thomas Thomas, Interim City Manager

FROM: Thomas M. Hitch, City Attorney 

RE: **Charlotte Volunteer Fire Department - Proposal regarding an increase in stipend from City of Charlotte**

DATE: December 10, 2020

The purpose of this memorandum is to give my opinion as it pertains to the proposal, received on November 30, 2020, regarding a proposed increase in the stipend from the City of Charlotte to the Charlotte Volunteer Fire Department. It is my understanding that the stipend has been provided by the City of Charlotte for a number of years. The Fire Chief has made a request to increase the stipend amount paid by the City.

In the request, the volunteers are requesting an increase, which is to be “retroactive to October 1, 2020”. While this is I’m sure entirely unintentional, as proposed, the retroactive payment is contrary to the City Charter.

At Section 15.3 - Limitations on Contractual Power, it is provided:

“(E) No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.”

Under this provision, the City of Charlotte cannot enter into any agreement in which it pays additional monies “after the service has been rendered”. It is my understanding under this proposal that as being retroactive, the volunteers would be given an additional sum of money, on top of what they would have otherwise been eligible for under the original stipend reimbursement. It is my opinion that this, as noted above, unintentionally violates this provision.

**McGINTY, HITCH, PERSON,
YEADON & ANDERSON, P.C.**

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It would be my recommendation that the increased stipend amount, whatever it would be, would begin effective January 1, 2021. In making that adjustment, the parties can take into account adjusting the amount as no retroactive adjustment is permitted pursuant to the City Charter.

Please contact me if you have any further questions or concerns regarding this matter.

TMH:cf