

STATE OF MISSISSIPPI



JIM HOOD  
ATTORNEY GENERAL

OPINIONS  
DIVISION

January 11, 2019

Ms. Merlene Wall  
City Clerk, Town of Lumberton  
Post Office Box 211  
Lumberton, Mississippi 39455-0211

Re: Salary payments to Mayor and Aldermen

Dear Ms. Wall:

Attorney General Jim Hood received your letter of request and assigned it to me for research and reply.

**Issue Presented**

You state that your Mayor and Aldermen get paid on the last Wednesday of each month for that month's salary and ask if they could be paid early during the holiday season.

**Response**

No. The authorization for public officers and employees to receive a monthly salary contemplates that the payment of such salaries is to be made after services are rendered. We are unaware of any authority for public officers and employees to receive salary advances. *MS AG Op.*, Willis (March 8, 2002); *MS AG Op.*, Haynes (March 29, 1982). Article 4, Section 96 of the Mississippi Constitution prohibits governing authorities from compensating anyone before the services are rendered.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:

Phil Carter  
Special Assistant Attorney General