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MEMORANDUM

TO: Thomas A. Golden, Jr., City Manager

FROM: Corey F. Williams, City Solicitor

DATE: September 20, 2023

SUBJECT: MOTION RESPONSE: C. Leahy – Req. City Mgr. Have Law Department Provide An Opinion Regarding As To Why An Elected Official Can Not Receive Their Stipend If They Work For A Local Municipality. Revive

The issue of an elected official receiving a stipend in the same municipality where they are employed is governed by M.G.L. c. 39 § 6A. Under Massachusetts law, an elected official is not permitted to receive compensation both as an elected official *and* as a municipal employee. The statute specifically states:

“Notwithstanding the provisions of any city charter to the contrary, the mayor and the members of the city council, or other legislative body of a city, shall receive for their services such salary as the city council or other legislative body of a city shall by ordinance determine, and shall receive no other compensation from such city...except that a member of a city or town council in a municipality with a city or town council form of government may receive a salary for serving as a municipal employee of said municipality in lieu of receiving compensation for serving as a member of said council...”

While the statute does state that an elected official cannot receive any other compensation from a municipality, the statute does provide an exception for elected officials to receive their salary as a municipal employee in lieu of compensation as an elected official. The statute is clear that an elected official cannot receive compensation for both.