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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

March 18, 1976

FILE NO. S-1066

**COMPENSATION:
County Officers**

Honorable Douglas Marti
State's Attorney
Bond County
Courthouse
Greenville, Illinois 62246

Dear Mr. Marti:

This responds to your request for an opinion as to the proper salary for certain elected officers of Bond County. Section 1 of "AN ACT in relation to the compensation, etc." (Ill. Rev. Stat. 1975, ch. 53, par. 37a) provides in part as it relates to Bond County, as follows:

"§ 1. The County Board, in all counties of less than 1,000,000 inhabitants, shall fix the compensation of Sheriffs, Coroners, County Treasurers, County Clerks, Clerks of the Circuit Court, Recorders and Auditors, * * * shall be fixed within the following limits:
* * *

To each such officer in counties containing 14,000 or more inhabitants, but less than 30,000

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inhabitants, not less than \$13,000 per annum
and not more than \$16,500 per annum.

* * *

This provision became effective November 27, 1974, and in accordance with this, officers have been receiving an annual salary of \$13,000 since December 1974. See opinion No. S-861 wherein I advised that the county is required, regardless of the salary set by its ordinances, to pay its officers at least the minimum compensation required under this provision.

Prior to the effective date of this Act the County Board of Bond County had passed a resolution which provides as follows:

"Salaries of Elected Officials be raised to \$12,500 per year with an increase of \$500.00 per year for each of the remaining 3 years in office the salary for the fourth year in office being \$14,000. The above to be effective December 1, 1974 and the increases to take place on Dec. 1, 1975, 1976, and 1977."

Under this ordinance the salary beginning in December 1974 would only have been \$12,500 with a \$500 per year increase for the next three years. You inquire as to whether for the year beginning December 1, 1975, the elected officials should be paid \$13,000 per annum or \$13,500 per annum.

I am of the opinion that the elected officials should be paid \$13,000 per annum for the year beginning December 1,

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1975. This is the rate established by county ordinance and is in accordance with State law. The fact that this rate of pay was required by State law to take effect a year earlier than it would have under the ordinance is no reason for the other increases in the rate of pay to take effect one year earlier. Payment of salaries different from those previously established by ordinance, except as required by State law, would be in conflict with section 9(b) of article VII of the Illinois Constitution of 1970 which provides that: "An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected". See Opinions No. S-777 and S-1006.

Very truly yours,

A T T O R N E Y G E N E R A L