

MEMORANDUM

DATE: AUGUST 7, 2000
TO: ALEX RUIZ
FROM: GLENN GIMBUT
RE: INCREASE OF SALARY OF MEMBERS OF COUNCIL

I am informed that some members of council have made inquiry about raising the compensation paid to members of council.

San Luis is a general law city, and as such it finds its powers in the statutes of the State of Arizona as opposed to a city charter. ARS §9-232.01 provides that a city council may set its compensation or salary by resolution or ordinance.

However, Article 4, Part 2, Section 17 of the Arizona Constitution prohibits the compensation paid to any public officer being either increased or decreased during that officer's term of office. This section applies to members of a city council. *Davis v. Hale*, 96 Ariz. 219, 393 P.2d 912 (1964). Said section of the Constitution was amended in 1930 to provide that if the terms of office of members of a public body were not coterminous, that the change in salary and compensation would be effective for all members of the public body when it became effective as any member of that body. Attorney General Opinion I90-094 states that the purpose of the 1930 amendment was to insure that all members of a public body who were doing in substance the same work would receive the same salaries.

The earliest time a salary increase could become effective is, therefore, after the next set of regular city elections when the members of council who are elected begin their new term of office. That date will occur sometime in June of 2002. The fiscal year of the City always begins July 1. If there is a desire to pass such an ordinance now, it is my recommendation to make it effective as of July 1, 2002.