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TO: Henri Alexandre, Corporation Counsel
FROM: Lisa Silvestri, Assistant Corporation Counsel
RE: Request for Opinion on Salary of Elected Officials
DATE: November 3, 2015

This memorandum is in response to a request for opinion from Mr. Henry Burgos, Director of Human Resources as to the authority and means of processing a salary increase for the City Treasurer.

The salaries of elected municipal officials are governed by Amendment XIX of the State Constitution. That amendment provides,

Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office..... The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

The City Council has increased the salary of the treasurer as of July 1, 2015 by approving the salary in the City budget. The Council did this at a time that is more than two years since the beginning of the treasurer's elected term of office, so the requirement of Amendment XIX to the Constitution has been met. Mr. Burgos has inquired if any further action is necessary to implement the increase.

I have reviewed the Charter and Municipal Code with regard to the means by which an increase may be authorized in terms of the City's internal process. The Code sets out procedures for the City to appoint and raise salaries for various employees. None of them apply to in this case because the treasurer is not appointed by an appointing authority, does not have a supervisor, is not subject to evaluation, is not a member of a bargaining unit, and is not in the classified service. Once the Council has set the salary figure in the budget, there is no other authority who must consider or recommend the increase. For this reason, no further action need take place in order for the Department of Human Resources to initiate the salary increase.