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ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

November 22, 1976

FILE NO. S-1185

**COMPENSATION:**  
**Salaries of Sheriff and**  
**County Supervisor of Safety**

Honorable C. Brett Bode  
State's Attorney  
Tazewell County Courthouse  
Pekin, Illinois 61524

Dear Mr. Bode:

I have your letter asking my opinion on the powers of the county board to eliminate the salary of the County Supervisor of Safety (1) by action taken and effective during his term of office; and (2) by action taken and effective prior to the beginning of that term.

As you point out, the sheriff of the county is ex officio the Supervisor of Safety under section 1 of "AN ACT in relation to the regulation of motor vehicle traffic,

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etc", approved August 9, 1951 (Ill. Rev. Stat. 1975, ch. 125, par. 30-32). Section 1 provides:

"The office of Supervisor of Safety is hereby created for each county to be held by the Sheriff of the County."

Section 9(b) of article VII of the Constitution of 1970 provides:

"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 he is elected."

You first ask:

"If a County Board sets an annual salary for the Office of County Supervisor of Safety prior to the election of the Sheriff, may the County Board, subsequent to such election, and prior to the expiration of the Sheriff's term of office, eliminate the annual salary for the Office of County Supervisor of Safety?"

By virtue of the Constitution the county board has no power to eliminate the salary of the Supervisor of Safety during the Sheriff's term of office.

The Sheriff is an elected officer of a county, and a county is a unit of local government. Prior to his election, a salary was provided for the Supervisor of Safety.

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Election to the office of Sheriff constitutes election also to the office of Supervisor of Safety. The elimination of the Supervisor's salary during the Sheriff's term of office is a decrease in his salary as it existed when his term began. It is as effective a decrease as an express decrease in his salary as Sheriff.

I previously advised in opinion No. S-544 (1972 Ill. Att'y. Gen. Op. 290, 293) on a substantially identical issue with regard to county board members who are ex officio commissioners of a forest preserve district. I advised that:

"There may be some question as to whether such a [forest preserve] commissioner is 'elected' to the board of commissioners of the forest preserve district. However, where the forest preserve district is coextensive with the county, the elected county board members serve as forest preserve commissioners. Therefore, they hold this office by virtue of their being an 'elected' officer. \* \* \*

The second question you ask is:

"Assuming a County Board eliminates the salary for the Office of County Supervisor of Safety during the term of office of the Sheriff, and assuming further that the elimination of said salary does not defeat the Sheriff's right to receive said salary during his term, does said elimination of the salary of the County Supervisor of Safety apply to the next term of office of the Sheriff?"

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In my opinion the answer is "yes".

Section 1 of "AN ACT in relation to the regulation of motor vehicle traffic, etc." approved August 9, 1951, (Ill. Rev. Stat. 1975, ch. 125, par. 32) authorizes but does not require the county board to allow a salary to the county Supervisor of Safety. Section 3 provides in pertinent part:

"The county board may allow the Supervisor of Safety an annual salary \* \* \*"

In the case you describe, the county board has chosen not to allow an annual salary. The county board's decision to eliminate the Supervisor's salary would take effect at the commencement of the next following term of office.

The third question concerns the nature of the sheriff's cause of action, if any, and if his cause of action has failed by his failure to initiate claim. Since this question involves the sheriff's rights in an individual capacity, I regret to inform you that the Attorney General is not authorized to give opinions on such matters.

Very truly yours,

A T T O R N E Y   G E N E R A L