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FILE NO. S-678

FEES AND SALARIES:
Clerk of the Circuit Court

Honorable Donald F. Conaway
State's Attorney
Clinton County
Carlyle, Illinois 62231

Dear Mr. Conaway:

I have your letter whersin you state, in part, as follows:

"An opinion is requested as to whether or not the range of compensation for a Clerk of the Circuit Court, as provided in Chapter 53, Section 37 (a), can be increased or decreased provided it stays within the statutory range of the minimum and the maximum provided to Counties based on population. To be specific, can the Clerk of the Circuit Court in Clinton County, which contains 14,000 or more inhabitants but less than 30,000 inhabitants, salary be increased or decreased within the \$9,000.00 per annum and the maximum of \$16,500.00 per annum at any time?"

Honorable Donald F. Conaway -2

Section 1 of "AN ACT in relation to the compensation of Sheriffs, Coroners, County Treasurers, County Clerks, Clerks of the Circuit Court, Recorders and Auditors, with their necessary clerk hire, stationery, fuel and other expenses in counties of less than 1,000,000 inhabitants" (Ill. Rev. Stat. 1973 Supp., ch. 53, par. 37a), [hereinafter referred to as the Fees and Salaries Act], grants the Clinton County Board the statutory power to set the salary of the Clerk of the Circuit Court. Said Section 1 reads, in part, as follows:

"The County Board, in all counties of less than 1,000,000 inhabitants, shall fix the compensation of * * * Clerks of the Circuit Court * * * with the amount of their necessary clerk hire, stationery, fuel and other expenses. * * * The compensation of each such officer shall be fixed separately from his necessary clerk hire, stationery, fuel and other expenses, and such compensation shall be fixed within the following limits:

* * *

To each such officer in counties containing 14,000 or more inhabitants, but less than 30,000 inhabitants, not less than \$9,000 per annum and not more than \$16,000 per annum."

Honorable Donald F. Conway -3

Recently, I have issued an opinion File No. S-639, dated October 26, 1973, wherein I held that the Clerk of the Circuit Court is a non-judicial officer of the judicial branch of State government. He is not a county officer; therefore, he is not an officer of a unit of local government and, thus, his salary is not subject to regulation by section 9(b) of article VII of the Illinois Constitution of 1970.

In direct answer to your question, presently, the Clinton County Board is free to raise or lower the salary of the Clerk of the Circuit Court anywhere between the minimum and maximum amounts as set by section 1 of the Fees and Salaries Act.

Very truly yours,

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