

TO: The Mayor and City Council
FROM: Martin S. Lyons, City Treasurer
DATE: October 29, 2020

SUBJECT:
Elected Official Compensation.

PURPOSE:
To establish the compensation of the Mayor elected in 2021.

BACKGROUND:
Since at least 1848, Illinois has constitutionally required that the compensation of public officers be established prior to the commencement of their term of office. Section 9(b) of Article VII of the present Illinois Constitution expressly provides that "[a]n 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. For this reason no local elected official may ever vote to increase (or decrease) his or her own compensation - only the compensation of the person elected by the public to hold the office at the start of the next term.

To ensure that the voters have the right to weigh in on changes to elected official compensation and to prohibit post-election lame duck adjustments, the Illinois General Assembly has further required that any changes to a local elected officer's compensation be fixed at least 180 days prior to the commencement of a term in office. The Illinois Municipal Code vests the responsibility of establishing the compensation of municipal officers in each municipality's corporate authorities, which in the case of the City, is the City Council.

The Illinois Municipal Code as well as our own Code of Ordinances provides that elected City officers begin their term no earlier than the first regular or special meeting of the City Council in May following the election. The first regular meeting of the City Council in May 2021 is scheduled to occur on Tuesday, May 11. This requires the Council to act no later than Thursday, November 12, 2020, if it wishes to make adjustments to the salaries of officers elected in 2021. If no adjustments are made at this time, the salary schedule adopted by the City Council in 2016 will remain in effect. The salary of the Mayor elected in 2021 will remain the same as the Mayor's present salary for the duration of the term ending in 2025.

DISCUSSION:
The proposed levels of compensation were developed and recommended by the Finance Committee. Other than to provide historical information, information about comparable compensation in other communities and the legal considerations involved, staff offered no direction or advice to the Finance Committee as to whether and what changes to elected official compensation should be made.

At its special meeting of October 8, 2020, and again on October 15, 2020, the Finance Committee recommended that effective June 1, 2021, the salary for the newly-elected Mayor should increase by 2.5%, and then by 2.5% in the next two succeeding years before finally increasing by 5% for the remaining year in the term as follows:

From June 1, 2021, through May 31, 2022 - \$162,328 (2.5%)
From June 1, 2022, through May 31, 2023 - \$166,386.00 (2.5%)
From June 1, 2023, through May 31, 2024 - \$170,546.00 (2.5%)
From June 1, 2024, and continuing thereafter - \$179,073.00 (5%);

Additionally, when accepting a vehicle allowance in lieu of a dedicated City-owned or leased vehicle, the Mayor's vehicle allowance will be fixed at \$534 per month.

At its meeting of October 27, 2020, upon the motion of Alderman Carl Franco, the City Council amended the proposed compensation structure as follows:

From June 1, 2021, through May 31, 2022 - \$158,369.00 (0%)
From June 1, 2022, through May 31, 2023 - \$163,120.07 (3%)
From June 1, 2023, through May 31, 2024 - \$168,013.67 (3%)
From June 1, 2024, and continuing thereafter - \$176,414.36 (5%);

Following the adoption of Alderman Franco's amendment, the Council approved the ordinance as amended.

IMPACT STATEMENT:

This ordinance establishes the compensation for the Mayor consistent with statute.

RECOMMENDATIONS:

That the Council deliberate on the proposed ordinance and takes whatever action it deems appropriate.



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

An Ordinance setting the compensation of the Mayor to be elected in 2021 in accordance with the Illinois Municipal Code and the Local Government Officer Compensation Act.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, Section 3.1-50-5 of the Illinois Municipal Code provides that the salaries or other compensation of all municipal officers shall be fixed by ordinance; and

WHEREAS, Section 3.1-50-10 of the Illinois Municipal Code and Section 2 of the Local Government Officer Compensation Act provide that the salaries or other compensation of the elected officers must be fixed at least 180 days prior to the commencement of the terms of the officers whose compensation is to be fixed; and

WHEREAS, the City Council desires to set the compensation of the Mayor for the term commencing in May 2021;

WHEREAS, the commencement of the terms of said officers will not occur fewer than 180 days after the effective date of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that the annual compensation for the Mayor for the term commencing in May 2021 shall be as previously established by Ordinance O16-061 and as hereby set as follows:

Through May 31, 2022, one hundred fifty-eight thousand, three hundred sixty-nine dollars and no cents (\$158,369.00) as previously established by O16-061;

ORDINANCE NO. _____
DATE OF PASSAGE _____

From June 1, 2022, through May 31, 2023, one hundred sixty-three thousand one hundred twenty dollars and seven cents (\$163,120.07);

From June 1, 2023, through May 31, 2024, one hundred sixty-eight thousand thirteen dollars and sixty-seven cents (\$168,013.67); and

From June 1, 2024, and continuing thereafter, one hundred seventy-six thousand four hundred fourteen dollars and thirty-six cents (\$176,414.36); and further

BE IT ORDAINED, that if the Mayor elects to receive a vehicle allowance in lieu of use of a City-owned or leased car for City business as authorized by Section 2-38 (c) of the Code of Ordinances, the vehicle allowance shall be paid the Mayor monthly in the amount of five hundred thirty four dollars (\$534.00).

BE IT ORDAINED, that the City Council specifically intends that this Ordinance shall be read together with any previous enactments establishing the compensation of the City's elected officials and shall not be construed to revoke or repeal by implication or otherwise any previous enactment; and further

BE IT ORDAINED, that the City Council intends that nothing in this Ordinance shall be construed as effecting a change in the compensation of any of its elected officers during their present term of office.