



# Iowa General Assembly

## 2003 Legal Updates

Legislative Services Agency – Legal Services Division

<http://www.legis.state.ia.us>

**Purpose.** *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

### COUNTY COMPENSATION BOARDS AND COUNTY ATTORNEY SALARIES

Attorney General Opinion #03-9-2(L) (Requested by Senator Dennis Black)  
Issued September 17, 2003

<http://www.state.ia.us/government/ag>

**Facts.** Pursuant to Iowa Code section 331.907, a county compensation board usually meets early in the year and issues its recommended compensation schedule for elected county officers to the county board of supervisors so that the county budget can be certified by March 15. The salary of the county attorney is governed by the provisions of Iowa Code section 331.752(5), which provides that except in counties with a population of more than 200,000, the annual salary of a full-time county attorney must be an amount between 45 percent and 100 percent of the annual salary received by a district court judge.

**Issue.** Should the salary of a full-time county attorney be based upon the judicial salary in effect when the county compensation board meets or based upon an estimate of the judicial salary that will be established by the Legislature for the next fiscal year?

**Conclusion.** The county compensation board should consider the judicial salary in effect at the time the board meets and should not speculate concerning what the judicial salary might be in the next fiscal year.

**Analysis.** No guarantee exists that judicial salaries will increase each fiscal year. Nothing prohibits the Legislature from eliminating raises, delaying raises beyond July 1 of the next fiscal year, or even decreasing judicial salaries. It is not reasonable for a county compensation board to speculate what future judicial salaries might be when current judicial salary information is available for the board's use. The Iowa Supreme Court has recognized that establishing substantially equivalent wages is not an "exact science" and all that is required of a county compensation board is "substantial compliance" with the dictates of the applicable statutes.

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