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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable W. Phil Eldridge
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Omnibus Pay Raise Act – Compensation –
Expense Allowance – County
Commissioners

Based on the provisions of section 11-2A-2(2) of the Code of Alabama, the annual minimum compensation of a Geneva County Commissioner as of October 1, 2008, would have been the amount set out pursuant to general law (\$14,600), plus a 17 percent increase.

Dear Mr. Eldridge:

This opinion of the Attorney General is issued in response to your request on behalf of the Geneva County Commission.

QUESTION

What was the annual minimum compensation for county commissioners on October 1, 2008, the effective date of the Omnibus Pay Raise Act in Geneva County?

FACTS AND ANALYSIS

In your letter of request, you inform this Office that you are seeking guidance regarding what the appropriate minimum compensation for county commissioners was on the effective date of the Omnibus Pay Raise Act in Geneva County. The Omnibus Pay Raise Act became effective in Geneva County on October 1, 2008. The purpose of the act was to provide a mechanism by which local elected officials may receive uniform increases in compensation without necessitating action being taken by the Legislature. The Omnibus Pay Raise Act is codified in sections 11-2A-1 through 11-2A-8 of the Code of Alabama.

Section 11-2A-2(2) discusses the compensation that is to be given to county commissioners and probate judges. Specifically, this provision provides as follows:

(2) COUNTY COMMISSIONERS AND JUDGES OF PROBATE. The annual minimum compensation for county commissioners and judges of probate in Categories 1 and 2 shall be as provided by local law. Except as otherwise provided in this chapter and subject to the provisions of Section 11-2A-4, the annual compensation for county commissioners and judges of probate in Category 3 shall be increased by 20 percent effective October 1, 2001, if the compensation, including expense allowance, of the office has not been increased by other general or local law during the period from October 1, 1996, to October 1, 2001; the annual minimum compensation for county commissioners and judges of probate in Category 4 shall be that amount prescribed by general law on September 30, 2000, plus a 20 percent increase; *the annual minimum compensation for county commissioners and judges of probate in Category 5 shall be that amount prescribed by general law on September 30, 2000, plus a 17 percent increase;* and the annual minimum compensation for county commissioners and judges of probate in Category 6 shall be that amount prescribed by general law on September 30, 2000, plus a 15 percent increase.

ALA. CODE § 11-2A-2(2) (2008) (emphasis added).

Any county that has a population between 19,000 to 50,000 people, according to the most recent federal decennial census, is classified as a Category 5 county pursuant to the Omnibus Pay Raise Act. ALA. CODE § 11-2A-1 (2008). As of the 2000 census, which was the most recent census for the pay period at issue here, Geneva County had a population of approximately 26,000 people. Accordingly, for purposes of the Omnibus Pay Raise Act, Geneva County is a Category 5 county.

The annual compensation for county commissioners, as set forth in general law, may be found in section 11-3-4.1 of the Code. This provision states that “[n]o county commissioner shall receive compensation for serving as such officer, that is less than \$14,600.00 per year. No county commission chairman shall receive compensation for serving as such officer, that is less than \$18,600.00 per year.” ALA. CODE § 11-3-4.1(b) (2008).

You further informed this Office that the Geneva County Commissioners were receiving an amount in excess of the amounts set forth in section 11-3-4.1(b) as a result of local legislation. The amount being received by the commissioners, however, did not exceed the minimum salary requirements as established by section 11-2A-2(2) of the Code. Essentially, you question whether the 17 percent increase should be added to the compensation that was set out in section 11-3-4.1(b) of the Code or to the current compensation that the commissioners are receiving.

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Because section 11-2A-2 authorizes a 17 percent increase based on the compensation set out in general law, it is the opinion of this Office that the annual minimum compensation of a Geneva County Commissioner as of October 1, 2008, would have been \$14,600, plus a 17 percent increase.

CONCLUSION

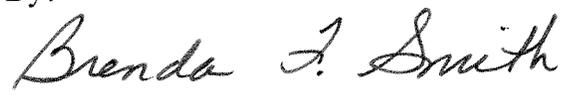
Based on the provisions of section 11-2A-2(2) of the Code, the annual minimum compensation of a Geneva County Commissioner as of October 1, 2008, would have been the amount set out pursuant to general law (\$14,600), plus a 17 percent increase.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General

By:



BRENDA F. SMITH
Chief, Opinions Division