

---

The Honorable Bob Denny, 1990 Ariz. Op. Atty. Gen. 150 (1990)

1990 Ariz. Op. Atty. Gen. 150 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I90-094, 1990 WL 484106

Office of the Attorney General

State of Arizona

I90-094 (R90-135)

October 22, 1990

\*1 The Honorable Bob Denny  
Arizona State Senator  
State Capitol—Senate Wing  
Phoenix, Arizona 85007

Dear Senator Denny:

You asked whether [article 4, part 2, section 17 of the Arizona Constitution](#) permits a sitting member of a city council to receive a salary increase approved prior to the beginning of a new term.

[Article 4, part 2, section 17](#) in relevant part provides:

nor shall the compensation of any public officer, other than a justice of the peace, be increased or diminished during his term of office; ...

Accordingly, on its face, [Article 4, part 2, section 17](#) permits a sitting city council member to receive a salary increase at the beginning of a new term.

Also, we conclude that city council members who are in the middle of their terms may receive an increase of salary if the following provisions of [article 4, part 2, section 17](#) apply:

provided, however, that when any legislative increase or decrease in compensation of the members of any court or the clerk thereof, or of any board or commission composed of two or more officers or persons whose respective terms of office are not coterminous, has heretofore or shall hereafter become effective as to any member or clerk of such court, or any member of such board or commission, it shall be effective from such date as to each thereof.

The Arizona Supreme Court has said that this constitutional provision added in 1930 was adopted “for the express purpose of insuring that all members of a court, board, or commission composed of more than one person, who were doing in substance, the same work, should at all times receive the same salaries.” [County of Maricopa v. Rodgers](#), 52 Ariz. 19, 25, 78 P.2d 989, 991–992 (1938). The provisions of [article 4, part 2, section 17](#) have been applied to the acts of a city council. See [Davis v. Hale](#), 96 Ariz. 219, 225, 393 P.2d 912, 916 (1964).

Therefore, we conclude that a city council member may receive a salary increase in the middle of the council member's term, provided the increase meets the conditions of [article 4, part 2, section 17 of the Arizona Constitution](#), or at the beginning of a new term.

Very truly yours,

BOB CORBIN

---

**The Honorable Bob Denny, 1990 Ariz. Op. Atty. Gen. 150 (1990)**

Attorney General

1990 Ariz. Op. Atty. Gen. 150 (Ariz.A.G.), Ariz. Op. Atty. Gen. No. I90-094, 1990 WL 484106

---

End of Document

© 2025 Thomson Reuters. No claim to original U.S. Government Works.