

OPINION NO. 70-083**Syllabus:**

The principles set forth in Opinion No. 1644, Opinions of the Attorney General for 1960, in regard to determining the salaries of Common Pleas and Probate Court judges are now applicable to determining the salaries of the county auditor pursuant to Section 325.03, Revised Code; the county treasurer pursuant to Section 325.04, Revised Code; the county sheriff pursuant to Section 325.06, Revised Code; the clerk of courts pursuant to Section 325.08, Revised Code; the county recorder pursuant to Section 325.09, Revised Code; the county commissioners pursuant to Section 325.10, Revised Code; the prosecuting attorney pursuant to Section 325.11, Revised Code; the county engineer pursuant to Section 325.14, Revised Code; and the county coroner pursuant to Section 325.15, Revised Code, as these respective sections became effective on June 10, 1968, based on the federal census of the United States taken April 1, 1970.

To: Richard J. Rinebolt, Hancock County Pros. Atty., Findlay, Ohio
By: Paul W. Brown, Attorney General, July 15, 1970

Your request for my opinion reads in part as follows:

"The Statutes providing the salaries of County officials are Sections 325.03 (Auditor), 325.04, (Treasurer), 325.06 (Sheriff), 325.08 (Clerk of Courts), 325.09 (Recorder), 325.10 (Commissioner), 325.11 (Prosecuting Attorney), 325.14 (Engineer, and 325.15 (Coroner). Each of those sections of law in 1960 contained a provision that puts the salary of the particular officer on a per capita basis according to the population of the County as shown by the Federal census next preceding

his election. The present sections which became effective June 10, 1968 now provide that the salary of the particular officer is based on the population of the County as ascertained by the latest Federal census of the United States which is in keeping of the language of Ohio Revised Code Section 141.05."

You note in your letter that Opinion No. 1644, Opinions of the Attorney General for 1960, considered Section 141.05, supra, relating to the salaries of Common Pleas and Probate Court judges. The syllabus of that Opinion read as follows:

"1. County officials who were elected or appointed to office prior to April 1, 1960, should be paid salaries under Sections 325.03, 325.04, 325.06, 325.08, 325.09, 325.10, 325.11, 325.14, and 325.15, Revised Code, based on the population of their respective counties as shown by the 1950 federal census; however, such an official elected or appointed on or after April 1, 1960, should be paid a salary under the appropriate section based on the population of his respective county as shown by the 1960 federal census, effective April 1, 1960.

"2. The per capita salary of a probate or common pleas judge under Section 141.05, Revised Code, should on and after April 1, 1960, be based on the population of the county as shown by the federal census taken as of that date."

Your question is what effect the 1970 census will have on the salaries of county officials presently holding office and those county officials who will be elected at the general election in November to take office in 1971, in view of the fact that the basis for computing the salaries of some of them has been changed, as set out in the above excerpt from your letter of request. Since the basis for determining the salaries of the officers enumerated in that excerpt is now the population of the county as ascertained by the latest federal census of the United States, a basis heretofore applied only to Common Pleas and Probate Court judges pursuant to Section 141.05, supra, it necessarily follows that the basic principles set forth in Opinion No. 1644, supra, in regard to determining the salaries of judges are now applicable to the salaries of the other officials enumerated in the foregoing excerpt based on the federal census of the United States taken on April 1, 1970.

It is therefore my opinion, and you are advised, that the principles set forth in Opinion No. 1644, Opinions of the Attorney General for 1960, in regard to determining the salaries of Common Pleas and Probate Court judges are now applicable to determining the salaries of the county auditor pursuant to Section 325.03, Revised Code; the county treasurer pursuant to Section 325.04, Revised Code; the county sheriff pursuant to Section 325.06, Revised Code; the clerk of courts pursuant to Section 325.08, Revised Code; the county recorder pursuant to Section 325.09, Revised Code; the county commissioners pursuant to Section 325.10, Revised Code; the prosecuting attorney pursuant to Section 325.11, Revised Code; the county engineer pursuant to Section 325.14, Revised Code; and the county coroner pursuant to Section 325.15, Revised Code, as these respective sections became effective on June 10, 1968, based on the federal census of the United States taken April 1, 1970.