

Ordinance

FI-O-0039-22

DETERMINING THE COMPENSATION OF THE DUPAGE COUNTY PUBLIC DEFENDER

WHEREAS, pursuant to 55 ILCS 5/3-4007, the Public Defender shall be paid out of the County Treasury a salary in the amount fixed by the County Board, and shall be paid by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund; and

WHEREAS, 55 ILCS 5/3-4007 further provides that 66 2/3% of the Public Defender's annual salary shall be paid from the State Treasury if the Public Defender is employed full-time in that capacity, and his or her salary is at least 90% of the County's State's Attorney's annual compensation; and

WHEREAS, the salary of the DuPage County State's Attorney is set by the State of Illinois, and

WHEREAS, the State of Illinois has increased the salary of the State's Attorney by 2.9% for a cost-of-living adjustment effective July 1, 2022, and


WHEREAS, effective July 1, 2022, the DuPage County State's Attorney's Salary is now \$188,753.77; and

WHEREAS, the DuPage County Public Defender's Salary is currently \$165,090.71; and

WHEREAS, in order to retain a full time Public Defender and retain the current rates of state reimbursement, the DuPage County Public Defender's Salary must be raised to \$169,878.39 to be at 90% of the State's Attorney's Salary.

NOW THEREFORE, BE IT ORDAINED BY THE DUPAGE COUNTY BOARD, that the DuPage County Public Defender's salary shall be \$169,878.39.

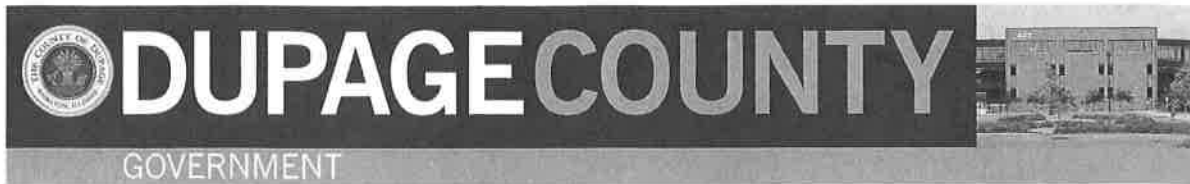
Enacted and approved this 28th day of June, 2022 at Wheaton, Illinois.



ASHLEY SELMON, VICE CHAIR
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 17
NAYS 0
ABSENT 1



MEMORANDUM

TO: Daniel J. Cronin, Chairman
County Board Members

FROM: Jason Blumenthal, Policy and Program Manager

DATE: 6/16/2022

RE: Public Defender's Compensation

Background:

The Illinois Counties Code (55 ILCS 5/3-4007) requires the Public Defender to be paid out of the County Treasury with a salary in the amount fixed by the County Board. Further, it provides that 66 2/3% of the Public Defender's annual salary shall be paid from the State if the Public Defender is employed full-time and shall be paid at least 90% of the County's State's Attorney's annual compensation. DuPage County has a full-time Public Defender who is currently reimbursed for 66 2/3% of his annual salary in accordance with the Illinois Counties Code.

The State's Attorney's compensation level is determined by 55 ILCS 5/4-2001. The State's Attorney's compensation level is annually reviewed by the Illinois Department of Revenue (IDOR) and a determination is made if a cost-of-living adjustment (COLA) is needed. This year IDOR has stated the State's Attorney will be receiving a 2.9% COLA. This will bring the State's Attorney's salary to \$188,753.77 starting July 1, 2022.

With the 2.9% COLA for the State's Attorney, the Public Defender's salary will now be less than 90% as required by state statute. To remain in compliance the Public Defender's compensation level must be adjusted from \$165,090.71 to at least \$169,878.39. The ordinance being presented set's the Public Defender's annual compensation to the required amount and ensures DuPage continues to have a full-time Public Defender and receives the state reimbursement.