

REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS

A. Remuneration

Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120

1. Board members are not required to accept compensation for meetings attended or any other remuneration, reimbursement, or benefits provided for in this bylaw.
2. On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent (5%) based on the present monthly rate of compensation.
3. Compensation for meetings missed -- A member may be compensated for meetings missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Board. During any year, members also may be compensated for up to two (2) meetings missed when the Board, by resolution, finds that they were absent because of illness.
4. Student Board members shall receive no compensation for meetings attended.

B. Reimbursement of Expenses

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district.

1. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement.
  - a. Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.
  - b. Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.
  - c. Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.
2. A mileage stipend equal to that of district administration may be provided.
3. If a Board member wishes to be reimbursed for expenses while on official district business, he/she shall file a district reimbursement form with the District Superintendent, indicating dates, location, and purpose of same. Receipts must

be submitted with the reimbursement form.

4. The reimbursement request will be reviewed by the Superintendent and Assistant Superintendent-Business Services and, if approved, processed for payment.

C. Health and Welfare Benefits

1. Board members may participate in the health and welfare benefits program provided for district employees.
2. The benefit coverage shall be the same as that provided to regular district employees.
3. The district shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits.
4. Health and welfare benefits provided to Board members shall be extended at the same level to their spouse/registered domestic partner and to their eligible dependent children as specified in law and the health plan.
5. Health and Welfare Benefits for Former Board Members -- The Board may authorize full payment of health insurance premiums for former Board members who have served twelve (12) years or more, and who were elected prior to January 1, 1995. The benefit coverage shall be the same as provided to regular district employees.

D. Retirement System

District Board members who wish to join the Public Employees' Retirement System (PERS) must file in writing with PERS an election to become a member.

Legal Reference:

**EDUCATION CODE**

- 33050-33053 General waiver authority
- 33362-33363 Reimbursement of expenses for attendance at workshops
- 35012 Board members; number, election and term
- 35044 Payment of traveling expenses of representatives of board
- 35120 Compensation for services as member of governing board
- 35172 Promotional activities
- 44038 Cash deposits for transportation purchased on credit

**FAMILY CODE**

- 297-297.5 Rights, protections and benefits under law; registered domestic partners

**GOVERNMENT CODE**

- 8314 Use of public resources
- 20322 Elective officers; election to become member
- 20420-20445 Membership in Public Employees' Retirement System; definition of safety employees
- 53200-53209 Group insurance
- 54952.3 Simultaneous or serial meetings; announcement of compensation

**HEALTH AND SAFETY CODE**

- 1373 Health services plan, coverage for dependent children

**INSURANCE CODE**

- 10277-10278 Group and individual health insurance, coverage for dependent children

**UNITED STATES CODE, TITLE 26**

403 Tax-sheltered annuities

**UNITED STATES CODE, TITLE 42**

18011 Right to maintain existing health coverage

**CODE OF FEDERAL REGULATIONS, TITLE 26**

1.403(b)-2 Tax-sheltered annuities, definition of employee

**COURT DECISIONS**

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

**ATTORNEY GENERAL OPINIONS**

91 Ops.Cal.Atty.Gen. 37 (2008)

83 Ops.Cal.Atty.Gen. 124 (2000)

**Management Resources**

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

**WEB SITES**

CSBA: <http://www.csba.org>

Institute for Local Government: <http://www.ca-ilg.org>

Internal Revenue Service: <http://www.irs.gov>

Public Employees' Retirement System: <http://www.calpers.ca.gov>

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