

Bylaw 9250: Remuneration, Reimbursement And Other Benefits

Status: DRAFT

Original Adopted Date: 06/16/2003 | Last Revised Date: 01/10/2010

Remuneration Compensation

Each member of the Board of Trustees may receive ~~\$20 a meeting~~ the maximum monthly compensation as provided for in Education Code 35120.

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 based on the present monthly rate of compensation. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A members may be paid compensated for meetings they missed when the Board, by resolution, finds that they were performing designated services for the district at the time of the meeting or that they were absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Reimbursement of Expenses

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

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

~~The rate of reimbursement shall be the same rate specified for district personnel.~~

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.

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.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Health and Welfare Benefits for Current Board Members

Board members may participate in the health and welfare benefits program provided for district employees.

Board members who elect to participate shall pay the full cost of premiums.

Benefits for Retired Health and Welfare Benefits for Former Board Members

Any members whose first term of office began on or after January 1, 1995, and any other members retiring from former Board member leaving the Board after at least one term of office, may continue participate in the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 33050-33053	General waiver authority
Ed. Code 33362-33363	Reimbursement of expenses; board member or member-elect
Ed. Code 35012	Board members; number, election and terms
Ed. Code 35044	Payment of traveling expenses of representatives of board
Ed. Code 35120	Course credit for student board members
Ed. Code 35172	Promotional activities
Ed. Code 44038	Cash deposits for transportation purchased on credit
Fam. Code 297-297.5	Rights, protections, benefits under the law; registered domestic partners
Gov. Code 20322	Elective officers; election to become member
Gov. Code 20420-20445	Membership in Public Employees' Retirement System; definition of safety employees
Gov. Code 3543.7	Duty to meet and negotiate in good faith
Gov. Code 53200-53209	Group insurance
Gov. Code 54952.3	Simultaneous or serial meetings; announcement of compensation
Gov. Code 8314	Use of public resources
H&S Code 1373	Health services plan, coverage for dependent children
Ins. Code 10277-10278	Group and individual health insurance, coverage for dependent children

Federal References

	Description
26 CFR 1.403(b)-2	Tax-sheltered annuities, definition of employee
26 USC 403	Tax-sheltered annuities
42 USC 18011	Right to maintain existing health coverage

Management Resources References

	Description
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 124 (2000)
Attorney General Opinion	91 Ops.Cal.Atty.Gen. 37 (2008)
Court Decision	Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598
Court Decision	Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

Institute for Local Government Publication	Sample Expense and Use of Public Resources Policy Statement, January 2006
Internal Revenue Service Publication	Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013
Website	Public Employees' Retirement System - https://simbli.eboardsolutions.com/SU/vTYKk6bnVN4oQETslshPnplusqXQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpPtfmA==
Website	Internal Revenue Service - https://simbli.eboardsolutions.com/SU/Q4VQpg5n4iGWL4GteBcOQw==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

Description

1160	Political Processes - https://simbli.eboardsolutions.com/SU/PplusCF8Y7RyawL9m57xplusX1ZQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/6Fx2e9FNXF6Qvl9Qchsp3w==
3100	Budget - https://simbli.eboardsolutions.com/SU/yK7xISgwOQXC3s1Ag9i0FA==
3350	Travel Expenses - https://simbli.eboardsolutions.com/SU/VZFB0BArouSlrEbc7plusd0Pw==
9110	Terms Of Office - https://simbli.eboardsolutions.com/SU/4ls0fvfGEsz87gz4PAy3fg==
9324	Minutes And Recordings - https://simbli.eboardsolutions.com/SU/NlpPrKniqkYwcc5l0S9T7A==

RESOLUTION ON BOARD COMPENSATION FOR MISSED MEETINGS

WHEREAS, the Governing Board of the Los Altos School District appreciates the services provided by members of the Board and provides compensation for meeting attendance in accordance with Education Code 35120 and Board Bylaw 9250; and

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that (name of Board member) did not attend the Board meeting(s) on (dates) for the following reason(s): (check applicable reasons)

- Performance of other designated duties for the district during the time of the meeting
- Illness or jury duty
- Hardship deemed acceptable by the Board

NOW THEREFORE BE IT RESOLVED that the Board of the Los Altos School District approves full compensation of the Board member for the month of _____.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a regular meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Clerk of the Board of Trustees
Los Altos School District

President of the Board of Trustees
Los Altos School District