

## REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

### Compensation

**OPTION 1:** Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120.

**OPTION 2:** ~~Each member of the Governing Board may receive a monthly compensation of \$ \_\_\_\_\_. (Education Code 35120)~~

**OPTION 3:** ~~The members of the Governing Board view their Board service as a voluntary contribution to the community and elect not to receive the compensation to which they are entitled pursuant to 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 member may be compensated for meetings he/she 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. (Education Code 35120) **Hardships deemed appropriate by the Board include those conditions which a reasonable person would regard as being so compelling that it would constitute a hardship to attend the board meeting, such as the following: (1) requirements of a Board member's employment; (2) bereavement, including attendance at funeral/burial and associate events; (3) sick family member; (4) compelling child care responsibilities; and (5) unforeseen transportation impediment (e.g., road delay, accidents, etc.).**

**Additionally, hardship can be defined as an activity which is serious in nature, cannot reasonably be disregarded or can only be performed during the time of the meeting. Absences for social or recreational reasons are not hardships.**

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)**

~~Student Board members shall receive no compensation for meetings attended.  
(Education Code 35012)~~

~~(cf. 9150 - Student Board Members)~~

Whenever a quorum of Board members serves as another legislative body which will meet simultaneously or in serial order to a Board meeting, the Board clerk or a member of the Board shall verbally announce the amount of any additional compensation or stipend that each member will be entitled to receive as a result of convening the simultaneous or serial meeting. (Government Code 54952.3)

**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.

(cf. 1160 - Political Processes)

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

(cf. 3513.1 - Cellular Phone Reimbursement)

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

(cf. 9240 - Board Development)

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.~~

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)**

~~Board members may use district-issued credit cards while on official district business and consistent with the limits established for district personnel. Personal expenses shall not be charged on a district-issued credit card, even if the Board member intends to subsequently reimburse the district for the personal charges.~~

**Health and Welfare Benefits for Current Board Members**

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

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

Health and welfare benefits for Board members shall be no greater than that received by the district's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

**OPTION 1:** The district shall pay the premiums required for Board members electing to participate in the district health and welfare benefits program to the same extent that it pays for district employees.

~~**OPTION 2:** Board members who elect to participate shall pay the full cost of premiums.~~

~~**OPTION 3:** The district shall pay up to \$3,000 per fiscal year as a reimbursement for health-related medical reimbursements with receipts if the board member chooses not to receive health benefits costs of approved health plans that have been paid by Board members.~~

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.

**Health and Welfare Benefits for Former Board Members**

Former Board members may participate in the health and welfare benefits program provided for district employees under the conditions specified below.

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)**

Health and welfare benefits for former Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

**Note:** Pursuant to Government Code 53201, a district may pay premiums for health and welfare benefits for former Board members only if all of the following conditions are satisfied: (1) the district paid for benefits for former Board members before January 1, 1994; (2) the former Board member served in office after January 1, 1981; (3) the former Board member's term began before January 1, 1995; and (4) the former Board member served for 12 or more years. If the district did not pay benefits for former Board members before January 1, 1994, benefits may be provided to former Board members only on a self-pay basis, even if a former member has served in office for the requisite amount of time.

**Note:** In *Thorning v. Hollister School District*, the court of appeal ruled that a board policy adopted during the board member's term of office has the effect of vesting him/her with those benefits and that the board cannot subsequently unilaterally withdraw those benefits from those board members.

**Note:** Option 1 below is for use only by districts that paid health and welfare benefits for former board members before January 1, 1994 and choose to continue to do so. Option 2 is for use by districts that are either ineligible to pay for such benefits because they did not pay for former board member benefits before January 1, 1994, have no qualified board members, or choose not to pay for such benefits.

**Note:** Because this is a complex area of law, it is strongly recommended that the district consult with legal counsel before offering paid health benefits to former Board members.

**~~OPTION 1: (Benefits paid by district)~~**

**~~The district shall pay the premiums for health and welfare benefits of any former Board member who served in office after January 1, 1981, began his/her term before January 1, 1995, and has served for 12 or more years. (Government Code 53201)~~**

**~~Note:~~** The following paragraph is optional. If the district allows Board members elected on or after January 1, 1995 to continue benefits at their own expense after leaving service, as authorized by Government Code 53201, it may revise the following paragraph to require more than one term of service at its discretion.

**~~Any other former Board member who served at least one term may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time he/she leaves office. (Government Code 53201)~~**

**OPTION 2: (Benefits paid by former Board member)**

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)**

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

*Legal Reference: (see next page)*

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)**

*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>

**Bylaws**

**Adopted: October 5, 2004**

**Revised:**

**GAMUT: 8/13**

**SAUGUS UNION SCHOOL DISTRICT**

**Santa Clarita, California**

**REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS**

**Resolution on Board Compensation for Missed Meetings**

**\*\*\*Note: The following optional exhibit is for use by districts that offer compensation to members of the Governing Board for their service; see Options #1 and 2 in the accompanying board bylaw. Pursuant to Education Code 35120, a Board member may receive compensation for Board meetings that he/she missed if the Board makes a finding, by resolution, that one or more specified circumstances exist.\*\*\***

**WHEREAS, the Governing Board of the Saugus Union 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 Saugus Union 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: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_**

**Attest:**

\_\_\_\_\_  
**Secretary**

\_\_\_\_\_  
**President**

**Exhibit  
Adopted:  
GAMUT: 8/13**

**SAUGUS UNION SCHOOL DISTRICT  
Santa Clarita, California**