

# **Davis Joint USD**

## **Board Bylaw**

### **Remuneration, Reimbursement And Other Benefits**

BB 9250

#### **Board Bylaws**

##### **Remuneration**

Each member of the Board of Education may receive 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.

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 associated events; (3) sick family member; (4) compelling child care responsibilities; and (5) unforeseen transportation impediment (e.g., road delay, accidents, etc.)

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

(cf. 9150 - Student Board Members)

##### **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. (Education Code 35044)

(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)

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

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 district's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Board members may receive the same health and welfare benefits as management, supervisory and confidential employees.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses/registered domestic partner and to their eligible dependent children as specified in law and the health plan.

#### 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>

Bylaw DAVIS JOINT UNIFIED SCHOOL DISTRICT

adopted: September 3, 2009 Davis, California  
revised: September 4, 2014