

**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**

**Compensation**

Each member of the Governing Board may receive a monthly compensation of \$400.00. (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)

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.

*(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

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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.

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.

**Purchase of Tickets for Board Members' Attendance at Community, Civic and Public Events**

Article XVI, Section 6 of the California Constitution prohibits the making of any gift of public money or thing of value to any association, individual or corporation. Whether an expenditure is an impermissible gift depends upon whether a sufficient public purpose is served by the expenditure. Attendance at community fundraisers does not fulfill a sufficient public purpose relating to the business of the District within its jurisdiction. Social gatherings do not satisfy the public purpose requirement. Consequently, purchase of tickets using District funds for board members to attend community events and/or fundraisers is not permissible unless the following conditions are met:

- The expenditure for the event serves as a sufficient, substantial and direct

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public purpose.

- The cost is reasonable in comparison to what is received.
- The cost does not include a private benefit to an individual, group or organization.
- There is a direct relationship between the organization (e.g., PTA, Mayor’s Committee/Special Education Breakfast) and the District.
- The event will aid the attendee to perform his/her job or position.

**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)

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.

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.

*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

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*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**

**Adopted:** March 26, 1996

**Revised:** March 27, 2012; January 30, 2014

**PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California