

Board Bylaws

BB 9250 (a)

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Compensation

Each member of the Board of Trustees may receive the monthly compensation of \$1,200 per month. (Education Code 35120)

Board members are not required to accept the monthly compensation.

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)

A board member who is absent from a Board meeting shall not receive the pro rata monthly compensation from that meeting unless the Board finds, via resolution, that at the time of the Board meeting the Board member was absent due to the need to perform services for the district, illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Reimbursement of Expenses

The district shall reimburse individual Board members for actual and necessary expenses incurred when performing authorized services for the district, including services directed by the board. The timelines and procedures for reimbursement shall be the same as those established for district personnel and at the same rate of reimbursement. (Education Code 31560, 35044; Government Code 8314)

All other expenses, including personal expenses, shall be the responsibility of individual Board members and shall not be paid or reimbursed by the district. (Government Code 8314)

Personal expenses shall 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 Board member with questions regarding the propriety of a particular type of expense shall seek and receive guidance from the Superintendent or designee before the expense is incurred.

Credit Cards

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.

Benefits for Board Members

Board members may participate in the health and welfare benefits program provided for district employees as permitted by law. 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 53201, 53205, 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 the district 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. (Family Code 297.5; Government Code 53205.1)

State

Cal. Const. Art. XVI, Sec. 6: Prohibition on gifts of public funds
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: Board member compensation
Ed. Code 35160: School Board authority
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

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

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. January 2025
Website: CSBA District and County Office of Education Legal Services
Website: Public Employees' Retirement System
Website: Institute for Local Government
Website: Internal Revenue Service
Website: CSBA

Bylaw Adopted: 3/11/2026

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California