



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item # 9.1

Meeting Date: January 23, 2014

Subject: Approve Amended Board Bylaw Policy (BB 9250) Remuneration, Reimbursement and Other Benefits

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☐ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☒ Action
- ☐ Public Hearing

Division: Board of Education

Recommendation: Approve Amended Board Bylaw (BB 9250)

Background/Rationale: Education Code section 35120 fails to define hardship which has led to uncertainty regarding payment of stipends for Board members who may be deserving of payment, due to a hardship, for absent meetings. Accordingly, it is recommended that the Board Bylaw be amended to provide definition and certainty for the Board, and the public it serves, regarding hardship. Hardship is proposed to be defined “. . . as an activity which is serious in nature, cannot be reasonably disregarded, or can only be performed during the time of the meeting.”

Administratively, the Board has already implemented a reporting of attendance procedure where all Board members are required to sign in at each meeting, indicating the time they arrived. All stipend payments will be based on an attendance sign in sheet as well as any Board resolution(s) excusing absences in compliance with law. A Board member who is absent from a meeting may be eligible for payment by reporting the excused absence to the Board Office. A Board resolution will be periodically placed, as needed, on the Board agenda to state that the reason for the absence complies with the Education Code 35120 and shall be reflected in the minutes.

Financial Considerations: Minimal. Board stipends are regulated by state law.

Documents Attached:

1. Proposed Amended Board Bylaw (BB 9250) Redline Draft
2. Proposed Amended Board Bylaw (BB 9250) Clean Draft
3. Current Board Bylaw (BB 9250)
4. Education Code 35120

Estimated Time of Presentation: 3 minutes

Submitted by: Patrick Kennedy, Board President

Approved by: Sara Noguchi, Ed.D., Interim Superintendent

Sacramento City USD

Board Bylaw

Remuneration, Reimbursement And Other Benefits

BB 9250

Board Bylaws

Remuneration

Each member of the ~~Governing~~ Board of Education may receive the maximum monthly compensation as provided for in law. The compensation of Board members shall be \$787.50 per month.

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. Any increase made pursuant to this section shall be effective upon approval by the Board. ~~(Education Code 35120)~~

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

~~If a member does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. If no Board meetings are held in any one month, the stipend will be paid for that month. Meetings called for the sole purpose of negotiations are exempt from stipend provisions. (Education Code 35120)~~

Members may be paid for meetings missed when the Board, by resolution, finds that they were performing designated services for the ~~d~~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)~~

A hardship ~~is~~would be defined as an activity which is serious in nature, cannot be reasonably disregarded, or can only be performed during the time of the meeting. Absences for social or recreational activities are not defined as a hardship.

In order to track and monitor ~~b~~Board attendance, ~~A~~aall ~~b~~Board members are required to sign in at each meeting, indicating the time they arrived. All stipend payments will be based on this attendance sign in sheet as well as any ~~b~~Board resolution(s) excusing absences. A ~~b~~Board member who is absent from a meeting may be eligible for payment ~~paid for the absence by reporting the excused~~ absence to the Board Office. A ~~b~~Board resolution will be placed on the Board agenda, as needed, to ~~statedeclare~~ that the reason for the absence ~~compliesfalls~~ within the intent of Education Code 351240, and shall be reflected in the minutes.

Reimbursement of Expenses

Board members shall be reimbursed for all expenses incurred in attending meetings or making trips on official district business when so authorized in advance by the Board. (Education Code 35044)

The rate of reimbursement shall not exceed limitations specified for district personnel.

(cf. 4133 - Travel Expenses)

(cf. 9240 - Board Development)

Health and Welfare Benefits

The district shall pay the cost of premiums for board members electing to participate in the district health and welfare benefit program (Board member only). Health and welfare benefits for Board members may elect to participate for dependent coverage at their own expense.

Benefits for Retired Board Members

Any members retiring from the Board after at least one term may continue the health and welfare benefits program at their own expense if coverage is in effect at the time of retirement.

Legal Reference:

EDUCATION CODE

1090 Compensation for members and mileage allowance

33050-33053 General waiver authority

33362-33363 Reimbursement of expenses (Department of Education and CSBA workshops)

35012 Board members; number, election and term

35044 Payment of traveling expenses of representatives of board

35120 Compensation (services as member of governing board)

35172 Promotional activities

44038 Cash deposits for transportation purchased on credit

GOVERNMENT CODE

20322 Elective officers; election to become member

53200-53209 Group insurance

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

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

83 Ops.Cal.Atty.Gen. 124 (2000)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Public Employees' Retirement System: <http://www.calpers.ca.gov>

Bylaw SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

reviewed: November 5, 2001

revised: November 20, 2008

reviewed: January 1, 2014

revised: January 23, 2014

Sacramento City USD

Board Bylaw

Remuneration, Reimbursement And Other Benefits

BB 9250

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EDUCATION CODE

SECTION 35120

35120. (a) (1) In any school district in which the average daily attendance for the prior school year exceeded 400,000, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed two thousand dollars (\$2,000) per month.

(2) In any school district that is not located in a city and county, and in which the average daily attendance for the prior school year exceeded 60,000, the governing board may prescribe, as compensation for the services of each member of the board who actually attends all meetings held, a sum not to exceed one thousand five hundred dollars (\$1,500) in any month.

(3) In any school district in which the average daily attendance for the prior school year was 60,000, or less, but more than 25,000, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed seven hundred fifty dollars (\$750) in any month.

(4) In any school district in which the average daily attendance for the prior school year was 25,000, or less, but more than 10,000, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed four hundred dollars (\$400) in any month.

(5) In any school district in which the average daily attendance for the prior school year was 10,000 or less but more than 1,000, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed two hundred forty dollars (\$240) in any month.

(6) In any school district in which the average daily attendance for the prior school year was 1,000 or less but more than 150, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed one hundred twenty dollars (\$120) in any month.

(7) In any school district in which the average daily attendance for the prior school year was less than 150, each member of the city board of education or the governing board of the district who actually attends all meetings held may receive as compensation for his or her services a sum not to exceed sixty dollars (\$60) per month.

(8) Any member who does not attend all meetings held in any month may receive, as compensation for his or her services, an amount not greater than the maximum amount allowed by this subdivision divided by the number of meetings held and multiplied by the number of meetings actually attended.

(9) For the purposes of providing compensation pursuant to paragraphs (1) to (7), inclusive, average daily attendance for the

prior school year may be increased by a school district's percentage of excused absences reported for the 1996-97 fiscal year.

(b) The compensation of members of the governing board of a school district newly organized or reorganized shall be governed by subdivision (a). For this purpose, the total average daily attendance in all of the schools of the district in the school year in which the organization or reorganization became effective pursuant to Section 4062 shall be deemed to be the average daily attendance in the district for the prior school year.

(c) A member may be paid for any meeting when absent if the board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the school district or districts, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board.

(d) The compensation shall be a charge against the funds of the school district. If the city board of education or the governing board of the district is the governing board of more than one school district, the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(e) On an annual basis, the governing board may increase the compensation of individual board members beyond the limits delineated in this section, in an amount not to exceed 5 percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the governing board.