

Board Office Use: Legislative File Info.	
File ID Number	14-0206
Introduction Date	2/12/2014
Enactment Number	14-0236
Enactment Date	2-12-14



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Jacqueline Minor, General Counsel

**Board Meeting Date** February 12, 2014

**Subject** **Approval of Amendments to Board Bylaw 9250 – Remuneration, Reimbursement, and Other Benefits**

**Action Requested** Approval of Amendments to Board Bylaw No. 9250 – Remuneration, Reimbursement, and Other Benefits

**Background**  
*A one paragraph explanation* The District's existing Board Bylaw No. 9250 – Remuneration, Reimbursement, and Other Benefits was last amended in April 2013. The amendments will clarify and update the policy.

**Discussion** The changes to Board Bylaw 9250 (Remuneration, Reimbursement and Other Benefits) being proposed define "hardship" as used Education Code Section 35120 in order to clarify when a Board Member who has missed a meeting is eligible for payment of the monthly stipend.

**Recommendation** Approval of Amendments to Board Bylaw No.9250 – Remuneration, Reimbursement, and Other Benefits

**Fiscal Impact** Funding resource name: no additional funding is being authorized

**Attachments** Redline Amended Board Bylaw No. 9250 – Remuneration, Reimbursement, and Other Benefits

# OAKLAND UNIFIED SCHOOL DISTRICT

## Board Bylaw

### BB 9250

#### Board Bylaws

##### Remuneration, Reimbursement and Other Benefits

##### Remuneration

Each member of the Governing Board, except a student director, may receive the monthly compensation as provided for in law.

At the annual organization meeting, 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)

~~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. (Education Code 35120)~~

A member may be paid 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)

A hardship is 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. 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 placed on the Board agenda in December and the last meeting in June to state that the reason for the absence complies with Education Code 35120.

##### Reimbursement of Expenses

Board members shall be reimbursed for all expenses incurred in the performance of duties or when making trips on official district business when authorized in advance by the Board. Board member trips for official business shall be deemed authorized when the member files the appropriate District conference/travel documents in the Board Office. Reimbursements for expenses and conference travel, if any, shall be limited by the cumulative total of such funds approved and residing within the annually approved budget of the Board.

##### Health and Welfare Benefits

File ID Number: 19-0206  
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Enactment Date: 2-12-19  
By: [Signature]

Board members may participate in the health and welfare benefits program provided for district employees. The District shall pay the cost of all premiums required for Board members electing to participate in the district health and welfare benefits program.

Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 26, and dependent children regardless of age who are physically or mentally incapacitated

#### Health and Welfare Benefits for Retired Board Members

Any member 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>