
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**REMUNERATION, REIMBURSEMENT, AND OTHER BENEFITS**Compensation

Each member of the County Board may receive as monthly compensation the amount set by the County Board. The amount shall not exceed the maximum set by Education Code section 1090. To receive compensation, a County Board member shall attend all County Board meetings during a month.

The County Board may increase the compensation of County Board members beyond the limit delineated in Education Code Section 1090 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 1090.) The percentage of increase for the County Board members, not to exceed five percent of the present monthly rate of compensation, shall be the same percentage of increase given to County Superintendent employees within the management, supervisory, confidential, and classified unrepresented ("MSCCU") group.

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

Any County Board member who does not attend all County Board meetings during a 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 County Board in accordance with law. (Education Code 1090.)

A County Board member may be paid for any meeting he/she missed if the County Board, by resolution duly adopted and included within its minutes, finds that at the time of the meeting he/she was performing services outside the meeting on behalf of the County Board, he/she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the County Board. (Education Code 1090.)

Reimbursement of Expenses

County Board members shall be reimbursed for actual and necessary expenses for travel, printing, or membership in any state or local organization of governing boards of school districts or county boards of education. County Board members shall also be reimbursed for the actual expenses of attending, with prior approval, meetings or conferences, of any society, association, or organization to which the County Board subscribes for membership. (Education Code 1091, 1094-1096.)

Each County Board member who uses a privately-owned automobile in the discharge of necessary official duties of the County Board shall receive the same amount per mile as is allowed for County Superintendent employees. Payment to the County Board member shall be made periodically on the basis of the actual number of miles driven on such necessary official business and mileage driven to attend meetings of the County Board.

Personal expenses shall be the responsibility of individual County Board members. Such expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, and expenses of any family member who accompanies the

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County Board member on official business, personal use of an automobile, and personal losses and traffic violation fees incurred while on official business.

County Board member expense claims shall be submitted for approval by the County Board at a County Board meeting.

Health and Welfare Benefits for Current County Board Members

County Board members may participate in the health and welfare benefits program that is available to them. Health and welfare benefits for County Board members shall be no greater than those received by County Superintendent employees in the MSCCU group.

County Board members electing to participate in the available health and welfare benefits program shall have the premiums, dues, and other charges required for the benefit selected paid to no greater extent than for County Superintendent employees in the MSCCU group. Pursuant to Government Code 53208.5, County Board members shall not be eligible to accrue multiple health and welfare benefits from two or more public agencies for concurrent services, unless the County Board member serves as a regular full-time employee in a separate public agency. A County Board member may not be paid in lieu of receiving health and welfare benefits. (83 Ops.Cal.Atty.Gen. 124 (2000).)

Health and welfare benefits provided to County Board members shall be extended to their spouses/registered domestic partner and to their eligible dependent children to no greater level than those extended to County Superintendent employees in the MSCCU group and as specified in law, this Board Bylaw, and the health plan.

Health and Welfare Benefits for Former Board Members

Former County Board members may participate in the health and welfare benefits program provided for County Superintendent employees under the conditions specified below:

1. Any former County Board member may participate in the health and welfare benefits program that is available for former County Board members at the time of his/her leaving office if he/she meets all of the following: (A) began his/her term on the County Board before January 1, 1995 or on or after January 1, 1995 but before November 15, 2018; (B) has served for 12 or more years as a member on the County Board; (C) was participating in the health and welfare benefits program before leaving his/her office on the County Board; and (D) agrees to and pays the premiums, dues, and other charges require of him/her in order for him/her to participate in such health and welfare benefits program. The County Board will contribute and pay no more than the amount that is normally contributed by the County Superintendent for retired County Superintendent employees in the MSCCU group. The former County Board member shall be responsible for the balance of all premiums, dues, and other charges.
2. Any former County Board member, who began his/her term on the County Board on or after November 15, 2018 and has served for 12 or more years as a member on the County Board, may participate in the health and welfare benefits program that is available, at the time of his/her leaving office, for former County

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Board members if he/she: (a) was participating in the health and welfare benefits program before leaving his/her office on the County Board; and (b) agrees to and pays the full cost of all premiums, dues, and other charges require of him/her in order for him/her to participate in such health and welfare benefits program. The County Board shall not contribute or pay any portion of the premiums, dues, or other charges require for the former County Board member to participate in such health and welfare benefits program.

3. Any former County Board member (whether his/her term on the County Board began on, before, or after January 1, 1995), who has completed one or more terms but less than 12 years on the County Board, may participate in the health and welfare benefits program that is available, at the time of his/her leaving office, for former County Board members if he/she : (a) was participating in the health and welfare benefits program before leaving his/her office on the County Board; and (b) agrees to and pays the full cost of all premiums, dues, and other charges require of him/her in order for him/her to participate in such health and welfare benefits program. The County Board shall not contribute or pay any portion of the premiums, dues, or other charges require for the former County Board member to participate in such health and welfare benefits program.
4. Any health and welfare benefits provided to a former County Board member's spouse/registered domestic partner and eligible dependent children as authorized by law, this Board Bylaw, and the health plan shall be at the former County Board member's expense.
5. Any health and welfare benefits being provided to former County Board members are subject to any changes in the health and welfare benefits program that may occur from time to time, including but not limited to, changes in available health plans and benefits, and premiums, dues, and other charges related thereto.

Any health and welfare benefits provided to any former County Board member who left his/her office before November 15, 2018 shall continue under such terms and conditions as existed at the time of leaving office, subject to any changes in the health and welfare benefits program that may occur from time to time, including but not limited to, changes in available health plans and benefits, and premiums, dues, and other charges related thereto.

Adopted: 04/20/1995

Amended: 11/15/2018

Legal ReferenceEducation Code

1090-1096 Compensation for members and mileage allowance, expenses

Family Code

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Definition of marriage

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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

Throning 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 ResourcesInstitute 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. January 2015

Web SitesCSBA: <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>