

SETTING THE COUNTY SUPERINTENDENT'S SALARY

Policy Concept

The Monterey County Board of Education (County Board) believes that the Monterey County Superintendent of Schools (County Superintendent) renders services that promote the success of students and fulfills the educational mission that provides Countywide leadership essential for public education; therefore, should be fairly compensated for his/her service. In accordance with law, the County Board shall fix the compensation of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

Legal Authority

The County Board relies on a number of regulatory and legal proclamations to substantiate its authority to fix the salary of the County Superintendent namely:

1. Article IX, Section 3.1 (b) of the California Constitution – “Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint county board of education, as the case may be, shall fix the salary of the county superintendent of schools.”
3. Education Code section 1207 – “In no case will the salary of the county superintendent be lowered during the term of his [sic] term of office... or for any consecutive new term to which he is elected or appointed.”
4. Education Code section 1209 – “A county superintendent of schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting and without the approval of the county board of education.” [Refer also to Government Code 54956]

Salary Setting Timing Guidelines

As there is no statutory requirement as to when a review is to be conducted in order to fix or change the Superintendent's salary, the policy of the County Board is to do so when:

1. It is clear that the office will be assumed by someone other than the sitting County Superintendent as the result of an upcoming election. In this case, it will be the intent of the County board to fix the salary and compensation prior to the deadline for a candidate to withdraw from the election.

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2. An incumbent County Superintendent is about to begin a new term
3. An appointment has been made to fulfill the remainder of the current term for County Superintendent.
4. At the request of any County board member or the County Superintendent to place on an upcoming agenda an item to consider conducting a salary compensation review. The agenda item will then be placed on the agenda for one of the next two scheduled County Board meetings and will be conducted if a majority of the Trustees present at that meeting support the motion.
5. At the request of the County Superintendent, an item may be placed on the agenda to align a cost of living adjustment for the County Superintendent with the cost of living being given to management staff.

Review Criteria

The County Board recognizes its legal obligation to set a fair and reasonable salary for the County Superintendent's salary and benefits. When conducting a review to fulfill this obligation, the County Board will use the following criteria:

The County Board, with the assistance of staff, will benchmark salary and compensation for similar positions, which can include:

1. County superintendents in the same class three (3) counties.
2. The four (4) largest district superintendents and the two (2) community college presidents in the County.
3. For an incoming County Superintendent, the experience in Public Education.

For the sitting County Superintendent, other factors that may be considered for enhancing the benchmark for salary and compensation may include:

1. Achieving the annual Monterey County Office of Education Report (MCOE) goals as expressed in the Strategic Plan.
2. Support provided to the County Board in executing its role and achieving its goals.

In addition to the annual salary, the County Superintendent may also receive the following additional discretionary benefits including:

1. The use of an MCOE provided automobile for official duties in compliance with the law. If a personal automobile is used, the County Superintendent shall receive reimbursement for actual and necessary traveling expenses. [Education Code 1081, 1200, 1201]
2. A mobile device/home device allowance or MCOE issued device(s), for integrated

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personal and business use.

- 3. The same benefits given to management staff will be considered for the County Superintendent.

Use of MCOE Credit Card

The County Superintendent may also receive an MCOE credit card to be used only for his/her official duties.

Establishing a Review Subcommittee

When the County Board chooses to proceed with a Review, the County Board President will appoint three members of the County Board to the Compensation Subcommittee, who will be responsible for conducting the review, and making a recommendation to the County Board on fixing or changing the Superintendent’s salary and compensation. The Subcommittee and the Chair of the Subcommittee will be appointed by the County Board President who will set the date for the review and recommendation to be completed.

Action on the Subcommittee Recommendation

The Subcommittee will complete its review and develop a recommendation for County Board action by the deadline set by the County Board President. If this cannot be done, the Subcommittee Chair will inform the County Board President and the two will agree upon a new date for completion. Once completed, the Subcommittee Chair will inform the County Board President, and the item will be added to the next County Board Agenda. At the County Board Meeting where the item is ajenized, the item will be taken in open session, with the Subcommittee Chair presenting the recommendation. To be approved and adopted, the vote to support and implement the recommendation must be at least four (4) votes of the County Board.

Legal References:

EDUCATION CODE

- 1040 et seq. Duties and responsibilities of the county board of education*
- 1207 Limitations on reducing an incumbent County Superintendent’s salary*
- 1209 County Board approval necessary to increase the County Superintendent’s salary*
- 1240 et seq. Powers and duties of the county superintendent*
- 1980 County community schools; administration and operation*
- 48645.2 Juvenile court schools; administration and operation*
- 48660 et seq. Community day schools; administration and operation*

COUNTY BOARD POLICIES

- BP 2110 Duties of the County Superintendent*

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BB 9500

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GOVERNMENT CODE

54956 *Time and place of regular meetings*

CALIFORNIA CONSTITUTION

Article IX, Section 3.1 (b) County Board to fix the salary of the County Superintendent of Schools

COURT DECISIONS

Woodcock v. Dick, (1950) 36 Cal 2d 146

ATTORNEY GENERAL'S OPINIONS ¹

61 Ops. Cal. Atty. Gen. 384, (1978)

62 Ops. Cal. Atty. Gen. 356, (1979)

Adopted: 11/2/88

Revised: 4/5/89; 4/3/91; 3/01/00; 10/02/02; 10/15/14

Approved: 06/20/18

¹ In 1978, the Attorney General issued an opinion stating that county boards of education may not decrease a county superintendent's salary retroactively and thus deprive the superintendent of matured contractual rights for past services rendered. (61 Ops. Cal. Atty. Gen. 384, August 24, 1978.) In 1979, the Attorney General issued another opinion stating that county boards of education have authority to decrease the salary of a county superintendent of schools after the election for the term for which the superintendent was elected. (62 Ops. Cal. Atty. Gen. 356, July 11, 1979.) These opinions are advisory.