

**OPINION  
62-198**

June 22, 1962 (OPINION)

SCHOOL DISTRICTS

RE: Officers - Compensation and Expenses

This is in reply to your letter of June 18, 1962, in regard to compensation and expenses to school board members.

You call our attention to section 15-29-05 of the North Dakota Century Code, which provides that no school board member shall receive in excess of \$5.00 as compensation for each meeting attended and shall not be paid for more than one meeting in each calendar month. You also call our attention to subsection 12 of section 15-29-08, providing that the school district may defray the necessary and contingent expenses of the board.

You inform us that a school board of a district of your county is in the preliminary construction of a new high school; that a great deal of special meetings are necessary to work out details of school plans and revisions that must be made during construction; that there are reorganization hearings or meetings outside of the city; and, that two (2) of the board members are required to drive ten to fifteen miles (one way) to attend board meetings.

You therefore ask the following questions:

1. May a school board member be paid mileage for travel necessitated in attending special school board meetings and also other meetings necessitated by the position and, if so, at what rate?
2. May school board members be paid mileage for attendance at a regular school board meeting in addition to the \$5.00 per meeting?"

We are enclosing herewith copies of two (2) opinions and one letter of this office in regard to this same general subject. It is our thought that there is a definite distinction between "compensation" for attending a meeting and reimbursement of actual out-of-pocket expenses incurred on behalf of the school board. In view of the theory expressed in the opinion dated July 29, 1958, enclosed herewith, we are inclined to agree that mileage might not properly be paid for the regular and usual meetings of the board. However, we believe we must recognize that the meetings now being held by this board are being held under rather unusual circumstances, and that the actual expenditures are a necessary and contingent expense incurred on behalf of the school board and school district. On such basis, we believe that the school board would be justified in reimbursing its members for the expenses incurred in attending such meetings.

The rate of reimbursement is an even more difficult question. In addition to the actual cost of gasoline and oil, there is the

additional items such as depreciation and repairs of the automobile which should properly be prorated between the regular use of such vehicle and its use for this purpose. Our Legislature, in setting a standard for reimbursement of mileage expenses, has provided the sum of 8 1/2 cents per mile for state officers and employees (section 54-06-09 of the N.D.C.C.) and the sum of ten cents per mile for county officials (section 11-10-15 of the N.D.C.C.). It is our opinion that the school board would be justified in setting a figure somewhat in line with these for purposes of computing expenses for travel to and from such meetings.

LESLIE R. BURGUM

Attorney General