

Bylaws of the Board

Actions Requiring More than a Majority Vote

Actions requiring a two-thirds vote of the Board include:

1. Resolution declaring intention to sell or lease real property. (Ed Code 17466)
2. Resolution declaring intent of Board to convey or dedicate property to the State or any political subdivision for the purposes specified in Education Code 17556. (Ed Code 17557)
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property to the state or a political subdivision. (Education Code 17559)
4. Lease for up to three months of school property which has a residence on it and which cannot be developed for District purposes because funds are unavailable. (Education Code 17481)
5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833. (Government Code 53821)
6. Upon complying with Government Code [65352.2](#) and Public Resources Code [21151.2](#), ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district. (Government Code 53094)
7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund. (Education Code 17582, 17583)
8. Resolution to issue general obligation bonds with the approval of 55% of the voters of the district (Ed Code 15266)
9. For districts with an ADA of 2,500 or less seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code [48661](#))
10. For K-8 districts (and no higher grades) seeking to add a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code [48661](#))
11. For districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher grades), certification that satisfactory alternative facilities are not available for a community day school (Education Code [48661](#))
12. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 % of the voters of the school facilities improvement district (Education Code [15266](#)).
13. Resolution to place a parcel tax on the ballot (Government Code 53724)
14. Resolution of necessity to proceed with an eminent domain action and, if the Board desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code [54954.2](#))
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code [54956.5](#))

Actions requiring a four-fifths vote of the Board include:

1. The expenditure and transfer of necessary funds and use of District vehicles and personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense. (Government Code 53790-53792)
2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on ADA for the preceding year. (Government Code 53822-53824)
3. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code [3400](#))

Actions requiring a unanimous vote of the Board include:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (EC 17510-17511)
2. Waiver of the competitive bid process when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code [20113](#))

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

- Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale. (EC 17546)