

Bylaws of the Board

Actions by the Board

Actions Requiring Super Majority Vote

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

1. Resolution declaring intention to sell or lease real property (E.C. 17466)
2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision for purposes specified in Education Code 17556 (E.C. 17557)
3. Resolution authorizing and directing the Board President, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (E.C. 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 (E.C. 17481)
5. Request for temporary borrowing pursuant to Code 53820-53833 to pay District obligations incurred before the receipt of District income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the District (Government Code 53094)
7. When the District has an average daily attendance (ADA) of 2,500 or less and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (E.C. 48661)
8. When the District is organized to serve only grades K-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (E.C. 48661)
9. When the District desires to operate a community day school to serve any of grades K-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (E.C. 48661)
10. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (E.C. 15266)

**E 9323.2(b)**

11. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (E.C. 15266)
12. Resolution to place a parcel tax on the ballot (Government Code 53724)
13. 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 percent of the estimated income and revenue to be received by the District during the fiscal year from apportionments based on average daily attendance (ADA) for the preceding year. (Government Code 53823-53824)
3. Resolution for District borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
4. 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:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (E.C. 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 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:

1. Private sale of surplus property without advertisement to establishing 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. (E.C. 17546)

Adopted: (7-96 12-05 4-12) 02-15

ORANGE UNIFIED SCHOOL DISTRICT  
Orange, California