

ACTIONS REQUIRING MORE THAN A MAJORITY VOTE

The following exhibit lists some of the Monterey County Board of Education actions that require more than a majority vote. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds (5/7) Vote of the Board:

1. Resolution declaring intention to sell or lease real property. (Education Code 17466)
2. Resolution declaring intent of County Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556. (Education 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 MCOE's 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)

Note: Although a two-thirds vote and the approval of the county auditor and treasurer are required for temporary borrowing before receipt of fiscal income under Government Code 53820-53833, only a majority vote of the Board is required for temporary borrowing pursuant to Government Code 53850-53858.

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 County Office. (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)

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8. If MCOE desires to add a community day school on an existing school site, a certification must be made that satisfactory alternative facilities are not available for a community day school. (Education Code 48661)

Actions Requiring a Two-Thirds (4/4, 4/5, 4/6, 5/7) 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 Board'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)
3. Resolution limiting debate by calling for the question or requesting a vote. *(RONR) Refer to note at the end of exhibit.
4. Resolution suspending the parliamentary rules. *(RONR)

Actions Requiring a Two-Thirds (5/7) Vote of the County Committee on School District Organization:

1. Upon request of the County Board, the County Committee on School District Organization may change the boundaries of any or all the trustee areas or to increase or decrease the number of members of the County Board. (Education Code 1002)

Special Note: Following each decennial federal census, the County Committee shall adjust the boundaries of any or all of the trustee areas of the County Board. These adjustments may be made by a majority vote of the County Committee. Furthermore, if any of the district governing boards fails to adjust the boundaries before the first day of March of the year following the year in which the results of each decennial census are released, the County Committee shall do so before the 30th day of April of the same year.

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The governing board of the school district or community college district shall reimburse all reasonable costs incurred by a County Committee in adjusting the boundaries pursuant to adjusting their trustee areas as described in the previous paragraph. (Education Code 5019.5)

Actions That May Require a Two-Thirds (4/4, 4/5, 4/6, 5/7) Vote of the Board or County Committee of the Members Present at the Meeting:

1. Rescinding or amending a motion previously adopted requires a two-thirds vote or a majority vote of the entire membership of the Board, whichever is smaller at the time, if previous notice is not given of intent to make one of these motions. If previous notice was given, then a majority vote is all that is required for adoption. *(RONR)

Actions Requiring a Four-Fifths (6/7) Vote of the Board:

1. The expenditure and transfer of necessary funds and use of MCOE property or 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 MCOE during the fiscal year from apportionments based on average daily attendance for the preceding year (Government Code 53822-53824)
3. Declaration of an emergency in order to authorize MCOE to include a particular brand name or product in a bid specification (Public Contract Code 3400)

Action Requiring Six (6/7) Votes of the Board:

1. Resolution removing the Board President from office. (BB 9100.2)

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Action Requiring a Unanimous (4/4, 5/5, 6/6, 7/7) Vote of the Board Members Present at the Meeting:

1. 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 arranging its sale. (Education Code 17546)

Actions Requiring a Unanimous (4/4, 5/5, 6/6, 7/7) Vote of the Board:

1. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists (Public Contract Code 20113)

Note: RONR denotes Robert's "Rules of Order, Newly Revised." When not in conflict with any applicable law, rule or regulation, the provisions of Robert's Rules of Order, Revised, shall constitute the Parliamentary processes of the Board.

Adopted: March 17, 2010