

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 1 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

Exhibit 1

RESTRICTIONS ON BOARD ACTIONS

This exhibit is a non-exhaustive list of the Governing Board actions that require more than a majority vote as well as restrictions and prohibitions on when the Board may take certain actions. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds Vote of the membership of the Board:

1. Resolution declaring the Board's intention to sell or lease real property (Education Code 17466)
2. Resolution declaring intent 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, 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 (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. Request for temporary borrowing of funds needed for immediate requirements of the district 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 so long the proposed use of property is not for nonclassroom facilities (Government Code 53094)
7. When the district is organized to serve only grades K-8, action to establish a community day school for any of grades K-8 (Education Code 48660)
8. When the district is organized to serve only grades K-8, has an average daily attendance (ADA) of 2,500 or less, or desires to operate a community day school to serve any of grades K-6 (and no higher grades) 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 (Education Code 48661)
9. Decision to pursue the authorization and issuance of general obligation bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution (Education Code 15266)
10. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently 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)

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 2 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

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:

1. 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)

2. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)

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)

4. When the district has a five-member or seven-member Board and has adopted the procedures set forth in UPCCAA, action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of district facilities, the taking of any other action that is directly related to and immediately required by that emergency, the procurement of the necessary equipment, services, and supplies for those purposes, the delegation of authority to the Superintendent or designee to take such action, and the determination during a regular Board meeting of the need to continue the action (Public Contract Code 22035, 22050)

5. Resolution to award a contract for a public works project at \$212,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the UPCCAA for projects of \$200,000 or less, all bids received are in excess of \$200,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

Actions Requiring a Four-Fifths Vote of the Board Members Present at the Meeting

1. Approval of the expenditure and transfer of necessary funds and use of district 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)

Actions Requiring a Unanimous Vote of the Membership of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)

2. Authorization of the use of day labor or force account, or waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists requiring the repair, alteration, work, or improvement to any facility to permit the continuance of

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 3 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

existing classes or to avoid danger to life or property, 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 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 Required to Occur During a Regular Board Meeting

1. Termination of the Superintendent or an assistant superintendent without cause (Education Code 35150)

2. Discussion or action regarding the contract, salary, salary schedule, or other compensation of the Superintendent, assistant superintendent, or other management employee as described in Government Code 3511.1 (Government Code 54956)

Prohibitions on Certain Board Actions

1. Termination of the Superintendent or an assistant superintendent without cause within 30 days after the first convening of the Board after an election at which one or more Board members are elected or recalled (Education Code 35150)

2. When the District is disposing of surplus land and has received a notification from the Department of Housing and Community Development pursuant to Government Code 54230.5 with regard to the surplus land, final action to ratify or approve the proposed disposal of surplus land unless the district holds an open and public meeting in compliance with Government Code 54230.7 to review and consider the substance of the notice

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Code of Civil Procedure 1245.240	Eminent domain vote requirements
Code of Civil Procedure 1245.245	Eminent domain; resolution adopting different use
Code of Civil Procedure 425.16	Special motion to strike in connection with a public issue
Ed. Code 15266	School construction bonds
Ed. Code 17466	Declaration of intent to sell or lease real property
Ed. Code 17481	Lease of property with residence for nondistrict purposes

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 4 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

Ed. Code 17510-17512	Leasing for production of gas; resolution requiring unanimous vote
Ed. Code 17546	Private sale of personal property
Ed. Code 17556-17561	Dedication of real property
Ed. Code 35140-35149	Meetings
Ed. Code 35150	Prohibition to terminate superintendent or assistant superintendent at specified meetings or times
Ed. Code 35160-35178.4	Powers and duties
Ed. Code 48660-48661	Community day schools; establishment and restrictions
Gov. Code 53090-53097.5	Regulation of local agencies by counties and cities
Gov. Code 53724	Parcel tax resolution requirements
Gov. Code 53790-53792	Exceeding the budget
Gov. Code 53820-53833	Temporary borrowing
Gov. Code 53850-53858	Temporary borrowing
Gov. Code 54230.5	Disposal of surplus land and receipt of notice of violation
Gov. Code 54230.7	Disposal of surplus land and receipt of notice of violation
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54952.6	Action taken; definition
Gov. Code 54953	Meetings to be open and public; attendance
Gov. Code 54960-54960.5	Actions to prevent violations
Gov. Code 65352.2	Communicating and coordinating of school sites
Pub. Cont. Code 20110-20118.44	School district contracts
Pub. Cont. Code 20113	Emergencies; award of contracts without bids
Pub. Cont. Code 20114	Repairs, maintenance, and improvements to district facilities by day labor or force account
Pub. Cont. Code 22034	Uniform Public Construction Cost Accounting Act informal bidding ordinance
Pub. Cont. Code 22035	Repair or replacement of facilities in case of emergency
Pub. Cont. Code 22050	Emergency contracting procedures

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 5 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

Pub. Cont. Code 3400

Bid specifications

Management Resources References

Description

Attorney General Publication

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

Court Decision

Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672

Court Decision

Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Court Decision

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313

Court Decision

McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310

CSBA Publication

The Brown Act: School Boards and Open Meeting Laws, rev. 2019

League of California Cities Publication

Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010

Website

CSBA District and County Office of Education Legal Services

Website

Institute for Local Government

Website

California Office of the Attorney General

Website

CSBA

Cross References

Description

3260

Fees And Charges

3260

Fees And Charges

3270

Sale And Disposal Of Books, Equipment And Supplies

3270

Sale And Disposal Of Books, Equipment And Supplies

3280

Sale Or Lease Of District-Owned Real Property

3280

Sale Or Lease Of District-Owned Real Property

3311

Bids

3311

Bids

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2e1

Page 6 of 6

Effective 6/19/13

Revised 4/24/24

Subject: Actions by the Board (Exhibit)

3311.1	Uniform Public Construction Cost Accounting Procedures
3311.1	Uniform Public Construction Cost Accounting Procedures
3471	Parcel Taxes
6185	Community Day School
6185	Community Day School
7131	Relations With Local Agencies
7150	Site Selection And Development
7150	Site Selection And Development
7160	Charter School Facilities
7160	Charter School Facilities
7213	School Facilities Improvement Districts
7214	General Obligation Bonds
7214	General Obligation Bonds
9000	Role Of The Board
9005	Governance Standards
9012	Board Member Electronic Communications
9150	Student Board Members
9200	Limits Of Board Member Authority
9223	Filling Vacancies
9310	Board Policies
9320	Meetings And Notices
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct
9324	Minutes And Recordings