

VOTING METHOD**2404.06-R**

The normal method of voting on motions will be by voice vote (“All those in favor...” “Opposed...”). A majority of the total membership of the board is required to carry such motions.

Exceptions to the normal voice vote include:

<u>TYPE</u>	<u>METHOD</u>	<u>VOTE</u>
1.Election of officers of members of Committees (“A motion to make unanimous a ballot vote that was not unanimous is out of order unless that motion is also voted on by ballot...”) (pp 348 –Roberts)	Ballot	Majority
2.Resolution	Roll Call	Majority
3.Resolution for the sale or lease of property	Roll Call	2/3
4.Lease of property with residence on it for more than three months	Roll Call	2/3
5.Resolution to exchange real property	Roll Call	2/3
6.Resolution to dedicate or convey property for streets, utility easements, storm drains, ditches, etc.	Roll Call	2/3
7.Resolution to transfer money from the undistributed reserve to any expenditure classification	Roll Call	Majority
8.Temporary borrowing before receipt of income	Roll Call	2/3
9.Money borrowed July 15-August 30 to be repaid from state apportionment	Roll Call	4/5
10.Resolution to lease real property in which monthly rental is \$50.00 or less	Roll Call	Unanimous
11.Resolution to lease land for production of gas	Roll Call	Unanimous

Legal References:

Education Code

17466	Sale or Lease of Real Property, Declaration of Intention
17471	Sale or Lease of Real Property, Publication of Notice
17481	Sale or Lease of Real Property, Non-District Purposes
17537	Exchange of Property
17557	Dedication of Real Property, Resolution of Intention
17559	Dedication of Real Property, Public Hearing and Adoption
35164	Majority Vote
42600	School District Funds, Expenditures and Appropriations
81312	Notice of Adoption of Resolution
81432	Conditions for Sale, Exchange or Lease

Government Code

53821(c)	Financial Affairs-Temporary Borrowing, Authorization
53824	Financial Affairs-Temporary Borrowing, Necessity of Resolution

Board of Trustees

January 9, 1975

Revised: October 1989

Reviewed: September 1993

References Revised: January 2005

Reviewed: July 2009

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Legal References

17466. Before ordering the sale or lease of any property, the governing board, in a regular open meeting, by a two-thirds vote of all its members, shall adopt a resolution, declaring its intention to sell or lease the property, as the case may be. The resolution shall describe the property proposed to be sold or leased in such manner as to identify it and shall specify the minimum price or rental and the terms upon which it will be sold or leased and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the minimum price or rental. The resolution shall fix a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

17471. Whenever it is proposed to lease real property and the governing board unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars (\$50), the resolution need not be posed and may, before the date of the meeting, be published in two successive issues of the weekly newspaper or in five successive issues of a daily newspaper. The newspaper in which the notice is published shall be one published in the district and having a general circulation there; or if there is no newspaper, then in one having a general circulation in a county in which the district or any part thereof is situated.

17481. In addition to any other authority to lease real property, the governing board of a school district, by a two-thirds vote of its members, may lease, for a term not exceeding three months, school district property having a residence thereon, which cannot be developed for district purposes because of the unavailability of funds. The lease shall be upon any terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this section.

17537. Before ordering any exchange of real property the board shall adopt, by a two-thirds vote of its members, a resolution declaring its intention to exchange the property. The resolution shall describe the properties to be exchanged in such manner as to identify them, and the terms and conditions, not including the price, upon which they will be exchanged.

17557. Before ordering the dedication or conveyance of any property, the governing board shall, in a regular open meeting by a two-thirds vote of all its members, adopt a resolution declaring its intention to dedicate or convey the property. The resolution shall describe the property proposed to be dedicated or conveyed in such manner as to identify it, and shall specify the purposes for which and the terms upon which it will be dedicated or conveyed, and shall fix a time not less than 10 days thereafter for a public meeting of the governing board to be held at its regular place of meeting for a public hearing upon the question of making the dedication or conveyance.

17559. At the time and place fixed in the resolution for the meeting of the governing board the public hearing shall be held, and the governing board may at the meeting, or at any other meeting of the governing board held within 60 days thereafter, unless a protest is entered, adopt a resolution by a two-thirds vote of all its members authorizing and directing the president of the governing board, or any other presiding officer, or the secretary, or the members thereof, to execute a deed of dedication or conveyance of the property and to deliver it. Upon the delivery and acceptance of the deed the dedication or conveyance is fully effective.

35164. The governing board shall act by majority vote on all the membership constituting the governing board.

42600. The total amount budgeted as the proposed expenditure of the school district for each major classification of school district expenditures listed in the school district budget forms prescribed by the Superintendent of Public Instruction shall be the maximum amount which may be expended for that classification of expenditures for the school year. Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education, when filed with the county superintendent of schools and filed with the county auditor. A resolution providing for the transfers specified in this section shall be approved by a majority of the members of the governing board. Nothing in this section shall be construed as affecting Sections 42204 and 85112.

81312. Notice of adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the members of the board, or by a majority thereof, in three public places in the district not less than 10 days before the date of the meeting, and by publishing the notice once not less than five days before the date of the meeting in a newspaper of general circulation, published in the district, if there is one, or if there is no such newspaper published in the district, then in a newspaper published in the county in which the district or any part thereof is situated and having a general circulation in the district.

81432. The board shall not enter into and be a party of any such lease unless the following conditions have been met:

(a) A resolution authorizing such action and prescribing the terms of the lease has been adopted by the unanimous vote of all the members elected or appointed to the board.

(b) Such resolution has been published in a newspaper published in the district and having a general circulation in the district, or, if there be no such newspaper, in a newspaper having a general circulation in the district, or, if there is no such newspaper, then in a newspaper having a general circulation in a county in which the district or any part thereof is situated. Notice shall be published no less than once a week for three weeks prior to the making of the sale, exchange or the execution of the lease by the board.

53821 (c). Subsequent to approval of the final budget and levy of taxes, if funds are needed for the immediate requirements of a local agency in any fiscal year to pay obligations lawfully incurred in the fiscal year and before the receipt of income for the fiscal year sufficient to meet the payments, money may be borrowed by

(c) A school district, county board of education, or community college district on the request of two-thirds of the members of its governing board, approved by the county auditor and treasurer.

53824. All such notes, tax anticipation warrants, or other evidences of indebtedness shall be issued only after the adoption of a resolution by a four-fifths vote of all members of the legislative body.