

Riverside County Office of Education
Board Bylaw 9323.2-E(1) Actions by the Board

RESTRICTIONS ON COUNTY BOARD ACTIONS

This exhibit is a non-exhaustive list of actions by the County Board of Education that require more than a majority vote as well as restrictions and prohibitions on when the County 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 County Board (5 of 7 Members)

1. Request for temporary borrowing of funds needed for immediate requirements of the county office of education (County Office) to pay its obligations incurred before the receipt of County Office income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
2. Resolution of necessity to proceed with an eminent domain action and, if the County 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 (Education Code 1047, 1080; Code of Civil Procedure 1245.240, 1245.245)

Actions Requiring a Two-Thirds Vote of the County 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 County Board's attention after the posting of the agenda. If less than two-thirds of the County 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 County 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 Membership of the County Board (6 of 7 Members)

1. Resolution for County Office borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the County Office'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 County Office 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 County Office during that fiscal year from apportionments based on average daily attendance for the preceding school year (Government Code 53823, 53824)
3. Declaration of an emergency in order to authorize the County Office to include a particular brand name or product in a bid specification (Public Contract Code 3400)

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4. When the County Office has adopted the procedures set forth in Uniform Public Construction Cost Accounting Act (UPCCAA), action to respond to an emergency facilities condition without giving notice for bids to award contracts, including the repair or replacement of County Office 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 County Superintendent of Schools or designee to take such action, and the determination during a regular County 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 County Office 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 County Board determines that the County Office's cost estimate was reasonable (Public Contract Code 22034)

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

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

Prohibitions on Certain County Board Actions

1. When the County Board 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 County Board 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.

Management Resources References

Attorney General Publication The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
Court Decision Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision Bell v. Vista Unified School District (2000) 82 Cal.App. 4th 672
CSBA Publication The Brown Act: School Boards and Open Meeting Laws, rev. 2014

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Board Bylaw 9323.2-E(1) Actions by the Board

League of California Cities Publication Open and Public IV: A Guide to the Ralph M. Brown Act Supplement, September 2013

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

Website Institute for Local Government

Website CSBA

Website California Office of the Attorney General

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

Ed. Code 1000 County boards consist of five or seven members

Ed. Code 1015 Recording votes

Ed. Code 1042 Authorization to hold and convey real property

Ed. Code 1047 Eminent domain

Ed. Code 17466 Declaration of intent to sell or lease real property

Ed. Code 17481 Lease of property with residence for nondistrict purposes

Ed. Code 17556-17561 Dedication of real property

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; prohibition against secret ballots

Gov. Code 54960-54960.5 Actions to prevent violations

Gov. Code 65352.2 Coordination with planning agency

Pub. Cont. Code 22000-22045 Uniform Construction Cost Accounting Procedures

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

Pub. Cont. Code 3400 Bid specifications

Cross References

9000 Role Of The Board

9000-E(1) Role Of The Board

9005 Governance Standards

9012 Board Member Electronic Communications

9200 Limits Of Board Member Authority

9320 Meetings And Notices

9321 Closed Session

9321-E(1) Closed Session

9321-E(2) Closed Session

9324 Minutes And Recordings