

ATTACHMENT II TO BOARD POLICY A-5

VOTING REQUIREMENTS FOR THE BOARD OF SUPERVISORS

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Agenda	Unanim.	Gov. Code § 54954.2, subd. (b)(2)	Take action on an item not appearing on the posted agenda. (Less than two-thirds of the Board of Supervisors ["Board"] present.) Where there are at least two-thirds of the Board members present, then only a two-thirds vote is required.
Airports	4/5	Gov. Code § 26021	Adopt a resolution that determines and extends aid for the acquisition by purchase, condemnation, lease or otherwise of real or personal property for the construction and completion of improvements necessary and convenient for: (a) the maintenance of airports owned and operated by cities; (b) the flying and landing of aircraft; and/or (c) the maintenance of hangars, mooring masts, flying fields, and places for flying, etc., together with signal lights, radio equipment, service shops, conveniences, appliances, works, structures, and other aircraft facilities now known or hereafter invented.
Airports	4/5	Gov. Code § 26026	Contribute money to the United States for the acquisition or improvement by the United States or any of its authorized agencies of airports in the county.
Bridges	4/5	Pub. Contract Code § 20405	Bridge construction contracts, modification of contract or plans.
Budget	4/5	Gov. Code § 29127	Adopt resolution necessary to appropriate and expend funds necessary to meet specific emergencies.
Budget	4/5	Gov. Code § 29130	Make available for appropriation any of the following: (a) Restricted, committed, assigned, and unassigned fund balances, excluding reserves and non-spendable fund balance. (b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.
Cemetery District	4/5	Health & Safety Code § 8963.6, 8963.8	Conveyance of cemetery by cemetery district to cemetery authority, resolution intention to concur and resolution concurring in conveyance.

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Collections	4/5	Gov. Code § 26220	Delinquent Accounts assignment to a collection agency.
Condemnation/Eminent Domain	4/5 *	Code of Civ. Proc. § 1245.240 (2/3 Statute)	Adopt a resolution of necessity prior to commencing an eminent domain proceeding (unless a greater vote is required by statute, charter or ordinance).
Contracts	4/5	Pub. Contract Code § 20137	Contracts, changes or alterations which increase costs over the maximum allowed without advertising but are less than 10% of the original contracts.
Contracts	4/5 *	Pub. Contract Code § 20135 (2/3 Statute)	Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or other public structure, where such alteration or change increases cost.
Counsel	4/5 *	Gov. Code § 25203 (2/3 Statute)	Employ counsel to assist the district attorney, county counsel, or other counsel for the county or any public entity for which the Board is the governing body.
County Service Areas	4/5	Gov. Code § 25214.4, subd. (b)	Extends the repayment of a loan over a period not to exceed three years from the end of the fiscal year in which the loan was made.
County Service Areas	4/5	Gov. Code § 25214.4, subd. (c)	Waive in whole or in part the repayment of a loan to a county service area if the Board finds that the repayment may result in an economic or fiscal hardship to the property owners or residents of the county service area.
County Service Areas	4/5	Gov. Code § 25214.5, subd. (b)	Waive in whole or in part the reimbursement of the revolving fund if the Board finds that the reimbursement may result in an economic or fiscal hardship to the property owners or residents of the county service area.
Financial Affairs	4/5	Gov. Code § 53792	Incur all necessary expenses, expend public funds, and expend, use or permit the use of public property or personnel to meet a national or local emergency created by war, military, naval or sabotage or to provide for adequate national or local defense.
Flood Control, Maintenance and Sanitation District	4/5	Gov. Code § 23014	Adopt a resolution appropriating any of its available moneys to a revolving fund (not to exceed \$500,000) to be used by any county sanitation district, county flood control district, or county district maintenance district located wholly within the county for certain purposes.
Forestry	4/5	Gov. Code § 25638	Adopt a resolution or ordinance repealing board of forestry.

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Hospital District	4/5	Gov. Code § 25369	Grant any money accumulated in a capital outlay fund to a local hospital district.
Planning	4/5	Gov. Code § 65858	Adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal. Any extension of time on the interim ordinance also requires a four-fifths vote for adoption.
Planning	4/5	Pub. Util. Code § 21676	Adopt or amend a general plan element, zoning ordinance, building regulation or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan.
Property	Unanim.	Gov. Code § 25363	Determine that certain property does not exceed in value the sum of \$500, or the monthly rental value is less than \$75, or that it is the product of the county farm.
Property	Unanim.	Gov. Code § 25368	Conveyance of real property to Hospital District.
Property	4/5	Gov. Code § 25368	Grant of capital outlay fund to Hospital District.
Property	Unanim.	Gov. Code § 25550	Convey, without consideration (other than the agreement of the city to establish and maintain a public park on the property), county-owned real property (located in any city) that is not used and not needed for any public purpose to a city for public park purposes.
Property	Unanim.	Gov. Code § 25550.5	Convey, without consideration (other than the agreement of the city to maintain such area as a public park, amusement or recreational area for the benefit and use of all residents of the county), county-owned real property (located in any city) that has been improved for use as a public park, amusement or recreational purposes to a city for these purposes upon the finding that the park, amusement or recreational area is local in character.
Property	Unanim.	Gov. Code § 25550.5	Convey, without consideration (other than the agreement of the city to maintain such personal property for use on that park, amusement or recreational facility), the personal property that was located on the park, amusement or recreation area at the time of transfer for the continued use on that park, amusement or recreational area.
Property	4/5	Gov. Code § 25553	County aid to cities for park purposes
Property	4/5	Gov. Code § 25560.4	Dedication of unused parklands

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Property	4/5	Gov. Code § 25363	Order sale or lease at public auction of county property not required for public use at a place other than the courthouse door.
Property	4/5	Gov. Code § 25365	Transfer of county-owned property to a public entity or exchange of county-owned real property with public or private party.
Property	4/5	Gov. Code § 25515.2, subd. (c)	Approve any sale, lease, lease with option to purchase, development, or contract agreement after a request for proposals.
Property	4/5	Gov. Code § 25600	Designate certain property as wild flower reserves.
Property	4/5	Gov. Code § 50332	Donate and convey for fairground or exposition, park, playground, or recreational purposes, to the State or to the district agricultural association of the agricultural district in which the local agency is situated, any land and buildings owned, held, or used by it.
Property	4/5 *	Gov. Code § 25526 (2/3 Statute)	Adopt a resolution declaring intent to sell or lease property.
Property	4/5	Gov. Code § 25536	Lease of county-owned property devoted to or held for airport, vehicle parking, fairgrounds, park, amusement, recreation.
Property	Unanim.	Gov. Code § 25583	County-owned real property restricted by dedication or deed to park purposes, resolution of intention to abandon all or part of.
Public Health	4/5	Gov. Code § 25123 Election Code § 9141(a)(4)	Urgency ordinance for preservation of public peace, health or safety to become effective immediately.
Records Destruction	4/5	Gov. Code § 26202	Determine that the retention of any record, paper or document which is more than two years old, was prepared or received pursuant to state statute or county charter and which is not expressly required by law to be filed and preserved, is no longer necessary or required for county purposes.
Records Destruction	4/5	Gov. Code § 26202.5	Authorize the destruction of any record, paper, or document if the documents have been inadvertently exposed to asbestos fiber under certain circumstances.
Special Districts	Unanim.	Gov. Code § 26909 (b) & (c)	Replacement of annual audit for special districts.
Streets and Highways	4/5	Sts. & Hy. Code § 942	Road equipment, leasing of.

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Streets and Highways	4/5	Sts. & Hy. Code § 969.5	Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately owned road.
Streets and Highways	4/5	Sts. & Hy. Code § 1070	Determine that the public convenience and necessity demand the acquisition or construction of a new county highway or improvement, repair or maintenance of any existing county highway, and the expense of such new highway or the expense of improving, repairing, or maintaining such existing highway is too great to pay out of the road fund of the district (such that the Board may adopt a resolution to make such acquisition or do such work and charge the expense to the county general fund, the road fund of the county, or the district fund of any district benefited).
Streets and Highways	4/5	Sts. & Hy. Code § 1627	Adopt a resolution that establishes a "county highway right of way acquisition revolving fund" for acquiring rights of way for county highway purposes through purchase or condemnation.
Streets and Highways	4/5	Sts. & Hy. Code § 1680	Cooperation with cities in road work.
Streets and Highways	4/5	Sts. & Hy. Code § 1700	Adopt a resolution that declares any highway lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.
Streets and Highways	4/5	Sts. & Hy. Code § 2808	Adopt a resolution of necessity for construction of sewer and storm drain as exception to special assessment District proceedings

*** PLEASE NOTE: WHEN THE STATUTE REQUIRES A 2/3 VOTE, ONLY A 4/5 VOTE SATISFIES THIS REQUIREMENT WITH A FIVE-MEMBER BOARD.**