

Bylaw 9323.2: Actions By The Board**Status: ADOPTED**

Original Adopted Date: 03/01/2011 | **Last Revised Date:** 03/01/2024 | **Last Reviewed Date:** 03/01/2024

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164, 35165)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Action on Non-Agenda Items

The Board may take action on a subject not appearing on the posted meeting agenda only after publicly identifying the item and if any one of the following conditions are met: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier
4. Until December 31, 2025, when a Board member requests to participate by teleconference due to emergency circumstances pursuant to Government Code 54953 so long as the timing of the request did not allow for sufficient time to place it on the agenda

Challenging Board Actions

Before seeking to file a civil action to stop or prevent a Brown Act violation or to invalidate a prior action taken by the Board, the district attorney's office or interested person shall first present a

demand to "cure and correct" the alleged violation to the district. If the district receives a proper demand from the district attorney's office or any interested person to "cure and correct" an alleged violation of the Brown Act, the Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)

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	Description
Code of Civil Procedure 1245.240	<u>Eminent domain vote requirements</u>
Code of Civil Procedure 1245.245	<u>Eminent domain; resolution adopting different use</u>
Code of Civil Procedure 425.16	<u>Special motion to strike in connection with a public issue</u>
Ed. Code 15266	<u>School construction bonds</u>
Ed. Code 17466	<u>Declaration of intent to sell or lease real property</u>
Ed. Code 17481	<u>Lease of property with residence for nondistrict purposes</u>
Ed. Code 17510-17512	<u>Leasing for production of gas; resolution requiring unanimous vote</u>
Ed. Code 17546	<u>Private sale of personal property</u>
Ed. Code 17556-17561	<u>Dedication of real property</u>
Ed. Code 35140-35149	<u>Meetings</u>
Ed. Code 35150	<u>Termination of superintendent</u>
Ed. Code 35160-35178.4	<u>Powers and duties</u>
Ed. Code 48660-48661	<u>Community day schools; establishment and restrictions</u>
Gov. Code 53090-53097.5	<u>Regulation of local agencies by counties and cities</u>
Gov. Code 53724	<u>Parcel tax resolution requirements</u>
Gov. Code 53790-53792	<u>Exceeding the budget</u>
Gov. Code 53820-53833	<u>Temporary borrowing</u>
Gov. Code 53850-53858	<u>Temporary borrowing</u>
Gov. Code 54230.5	<u>Disposal of surplus land and receipt of notice of violation</u>
Gov. Code 54230.7	<u>Disposal of surplus land and receipt of notice of</u>

	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
Pub. Cont. Code 3400	Bid specifications
Management Resources	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. 2023
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

Code	Description
2121	Superintendent's Contract
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
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	<u>Governance Standards</u>
9012	<u>Board Member Electronic Communications</u>
9150	<u>Student Board Members</u>
9200	<u>Limits Of Board Member Authority</u>
9223	<u>Filling Vacancies</u>
9310	<u>Board Policies</u>
9320	<u>Meetings And Notices</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>
9322	<u>Agenda/Meeting Materials</u>
9323	<u>Meeting Conduct</u>
9324	<u>Minutes And Recordings</u>