

ACTIONS BY THE BOARD

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

1. A collective decision by a majority of the Board members
2. A collective commitment by a majority of the members to make a positive or negative decision
3. A vote by a majority of the members when sitting as the Board

When required by law, action shall instead require a two-thirds, four-fifths or unanimous vote of the Board.

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.
(cf. 9320 - Meetings and Notices)
2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the District's attention after the posting of the agenda.
3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken.
(cf. 9322 - Agenda/Meeting Materials)

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)

(cf. 9324 - Minutes and Recordings)

Challenging Board Actions

Any demand to correct a Board action because of an alleged violation of open meeting requirements shall be presented to the Board in writing within 90 days of the date when the

ACTIONS BY THE BOARD

action was taken. If the alleged violation concerns action taken in violation of agenda requirements of the Brown Act, the written demand must be made within 30 days of the

date when the alleged action took place. The demand shall clearly describe the challenged action and the nature of the alleged violation. Within 30 days of receiving the demand, the Board shall review the action in question and shall inform the demanding party in writing of its decision to correct or not to correct the action. (Government Code 54960.1)

Legal Reference:

EDUCATION CODE

- 17466 Declaration of intent to sell or lease real property*
- 17481 Lease of property with residence for non-district purposes*
- 17511 Resolution requiring unanimous vote of all members constituting board*
- 17546 Private sale of personal property*
- 17557 Resolution of intention*
- 17559 Public hearing and adoption of resolution*
- 17582 District deferred maintenance fund*
- 17583 Deferred maintenance fund; transfer of excess local funds*
- 35144 Special meeting*
- 35145 Public meetings*
- 35145.5 Agenda; public participation; regulations*
- 35146 Closed sessions*
- 35164 Majority vote of all members constituting board for board action*

GOVERNMENT CODE

- 53094 Authority to render zoning ordinance inapplicable*
- 53790-53792 Exceeding the budget*
- 53821 Temporary borrowing; action requiring a two-thirds vote*
- 53822-53824 Action requiring a four-fifths vote*
- 53850-53858 Temporary borrowing*
- 54950 Meetings: declaration; intent; sovereignty*
- 54952.6 Action taken, definition*
- 54953 Meetings to be open and public; attendance; secret ballots*
- 54953.5 Right to record proceedings; conditions*
- 54954.2 Agenda posting requirements; board actions*
- 54954.6 New or increased taxes or assessments; hearings; notice*
- 54956 Special meetings; call; notice*
- 54956.5 Emergency meetings in emergency situations*
- 54956.7-54956.95 Closed session authority*
- 54957-54957.7 Closed sessions, especially:*
 - 54957.1 Public report and roll call vote, employee matters in closed session*
 - 54957.2 Executive sessions; clerk; minute book*
- 54959 Penalty for unlawful meeting*
- 54960 Action to prevent violations*
- 54960.1 Challenge of governing board actions*
- 54960.5 Costs and attorney fees*