

Bylaws of the Board

ACTIONS BY THE BOARD

An "action" by the Board means:

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, or
3. A vote by a majority of the members when sitting as the Board. (Government Code 54952.6)

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. Pursuant to Government Code 54956.5, an emergency situation is a work stoppage, crippling disaster, or other activity which severely impairs public health or safety.
2. The Board determines, either by a two-thirds majority of its members or, if unavailable, by the 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.

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)

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 action was taken. If the alleged violation of the Brown Act concerns action taken in violation of agenda requirements, 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)

Bylaws of the Board

ACTIONS BY THE BOARD (continued)

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9324 - Minutes and Recordings)

Legal Reference:

EDUCATION CODE

35144 Special Meetings
35145 Public Meetings
35145.5 Agenda; Public Participation; Regulations
35146 Closed Sessions
35164 Majority Vote of all Members Constituting Board for Board Action
39366 Declaration of Intent to Sell or Lease Real Property
39380 Lease of Property with Residence for Nondistrict Purposes
39431 Resolution Requiring Unanimous Vote of All Members Constituting Board
39521 Private Sale of Personal Property
39541 Resolution of Intention
39543 Public Hearing and Adoption of Resolution
39618 District Deferred Maintenance Fund
39618.5 Deferred Maintenance Fund; Transfer of Excess Local Funds

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; Hearing; 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

PUBLIC CONTRACT CODE

3400 Bid specifications