

Bylaws of the Board

Actions by the Board

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](#))

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.

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
2. The Board determines, either by a two-thirds majority of its members present at a Board meeting or, if less than two thirds of the members are present, 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 by the district attorney or any interested person to correct a Board action shall be presented to the Board in writing within 90 days of the date when the action was taken. Such demand shall allege a violation of any of the following: (Government Code 54960.1).

- Government code 54953: open meeting teleconferencing
- Government Code 54954.5: closed session item descriptions
- Government Code 54954.6: new or increased tax assessments
- Government Code 54956: special meetings
- Government code 54956.5: emergency meetings

If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting) the written demand must be made within 30 days of the date when the alleged action took place (Government Code 54960.1).

The demand shall clearly describe the challenged action and the nature of the alleged violation (Government Code 54960.1). Within 30 days of receiving the demand, the Board shall either cure or correct the challenged action and inform the demanding party in writing of its decision to correct or not to correct the action (Government Code 54961).

If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action. (Government Code [54960.1](#))

Legal Reference:

EDUCATION CODE

[15266](#) School construction bonds
[17466](#) Declaration of intent to sell or lease real property
[17481](#) Lease of property with residence for non-district purposes
[17510-17511](#) Resolution requiring unanimous vote of all members constituting board
[17546](#) Private sale of personal property
[17556-17557](#) Resolution of intention
[17582](#) District deferred maintenance fund
[17583](#) Deferred maintenance fund; transfer of excess local funds
[35144](#) Special meeting
[35145](#) Public meetings
[35164](#) Majority vote of all members constituting board for board action
35165 Vacancies, effect on majority and unanimous vote
[48660](#) Establishment of community day schools
[48661](#) School site restrictions for community day schools

CODE OF CIVIL PROCEDURE

1245.240 Eminent domain vote requirement
1245.245 Eminent domain, resolution adopting different use
GOVERNMENT CODE [53094](#) Authority to render zoning ordinance inapplicable
53094 Authority to render zoning ordinance inapplicable
[53097](#) Compliance with ordinances
[53097.3](#) Charter school ordinances
53724 Parcel tax resolution requirements
[53790-53792](#) Exceeding the budget
[53820-53833](#) Temporary borrowing
[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
[54954.5](#) Closed session item descriptions
[54954.6](#) New or increased taxes or assessments; hearings; notice
[54956](#) Special meetings; call; notice
[54956.5](#) Emergency meetings in emergency situations
[54960](#) Action to prevent violations
[54960.1](#) Challenge of governing board actions
[54960.5](#) Costs and attorney fees
65352.2 Coordination with planning agency

PUBLIC CONTRACT CODE

3400 Bid specifications
[20111](#) Contracts over \$50,000; contracts for construction; award to lowest responsible bidder
[20113](#) Emergencies, award of contracts without bids

COURT DECISIONS

Bell v. Vista Unified School District, (2002) 82 Cal.App.4th 672
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4th 1109