

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.

An "action" by the Board means:

1. A collective decision by a majority of the Board members
2. A collective commitment or promise 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 upon a motion, proposal, resolution, order or ordinance

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:

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 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.

The Board shall not take action by secret ballot, whether preliminary or final.

Actions taken by the Board in open session shall be recorded in the Board minutes.

Challenging Board Actions

Any demand by the district attorney's office 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:

1. Government Code 54953, regarding open meeting and teleconferencing
2. Government Code 54954.5, regarding closed session item descriptions
3. Government Code 54954.6, regarding new or increased tax assessments

4. Government Code 54956, regarding special meetings
5. Government Code 54956.5, regarding 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.

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation.

Within 30 days of receiving the demand, the Board shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct. If the Board decides to not cure or correct the challenged action, the demanding party shall be informed in writing of that decision.

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.

Actions Requiring a Two-Thirds Vote of the Board

The following actions require a two-thirds vote of the Board:

1. Resolution declaring intention to sell or lease real property
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556.
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property to the state or a political subdivision.
4. Lease for up to three months of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable.
5. Temporary borrowing before receipt of fiscal income, if implemented pursuant to Government Code 53820-53833. [Only a majority vote of the Board is required for temporary borrowing pursuant to Government Code 53850-53858]
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, ordering city or county zoning ordinances inapplicable to a proposed use of the property by the district.

7. Resolution to transfer excess local funds from a deferred maintenance fund when state funds are insufficient to match local funds being held in the deferred maintenance fund.

8. For districts desiring to operate a community day school on an existing school site to serve grades K-6 (and no higher), certification that satisfactory alternative facilities are not available for a community day school.

9. Resolution to issue general obligation bonds with the approval of 55 percent of the voters of the district.

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting

The following actions require a two-thirds vote of the Board Members present:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required.

2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required.

Actions Requiring a Four-Fifths Vote of the Board

The following actions require a four-fifths vote of the Board:

1. The expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval or air attack or sabotage, or to provide for adequate national or local defense.

2. Adoption of a resolution, between July 15 and August 30, to borrow funds of up to 25% of the estimated income and revenue to be received by the district during the fiscal year from apportionments based on ADA for the preceding year.

Actions Requiring a Unanimous Vote of the Board

The following actions require a unanimous vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas.

2. Waiver of the competitive bid process when the Board determines that an emergency exists.

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of its sale.

Adopted: February 28, 2007

(Replaces: BB 9610 Quorum of the Board)

(Revised: 1984)

(Adopted: 1964)

(Replaces: BB 9620 Order of Business – Parliamentary Procedure)

(Revised: 1984)

(Adopted: 1964)