

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9323.2

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Effective 1/15/92

Revised 4/24/24

Subject: 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, 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 agenda only after publicly identifying the item of and if any 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)

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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 nondistrict purposes

[17510-17511](#) Resolution requiring unanimous vote of all members constituting board

[17546](#) Private sale of personal property

[17556-17561](#) Dedication of real property

[17582-17583](#) District deferred maintenance fund

[35140-35149](#) Meetings

[35160-35178.4](#) Powers and duties

[48660-48661](#) Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

[425.16](#) Special motion to strike in connection with a public issue

[1245.240](#) Eminent domain vote requirements

[1245.245](#) Eminent domain, resolution adopting different use

GOVERNMENT CODE

[53090-53097.5](#) Regulation of local agencies by counties and cities

[53724](#) Parcel tax resolution requirements

[53790-53792](#) Exceeding the budget

[53820-53833](#) Temporary borrowing

[53850-53858](#) Temporary borrowing

[54950-54963](#) The Ralph M. Brown Act, especially:

[54952.6](#) Action taken, definition

[54953](#) Meetings to be open and public; attendance; secret ballots

[54960-54960.5](#) Actions to prevent violations

[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

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors

(2003) 112 Cal.App.4th 1313

McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310

Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

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WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

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