

**ACTIONS BY THE BOARD**

The Governing Board shall take no action outside of a public meeting except on those matters and under those conditions authorized for closed sessions.

(Government Codes 54957.7-54957.7)

*(cf.9321 – Closed Sessions)*

An action taken upon a motion, proposal, resolution or order 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.
3. A vote by a majority of the members when sitting as the Board.  
(Government Code 54952.6)

No action shall be taken in a regular meeting on a subject not listed on the published agenda, except when: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.  
An emergency situation is a work stoppage, crippling disaster, or other activity which severely impairs public health or safety.  
(Government Code 54956.5)
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 action arose 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 may adopt a resolution, to meet the requirements of law, to publish a status position, or to commend staff members or other agencies for work well done.

All actions taken by the Board shall be recorded in the minutes of each Board meeting.  
(Education Code 35145)

*(cf.9322 – Board Policies)*

*(cf.9324 – Minutes)*

Actions requiring a two-thirds vote of the Board include:

1. Resolution declaring intention to sell or lease real property. (Education Code 39366)  
*(cf. 3280 – Sale, Lease and Rental of District-owned Real Property)*
2. Resolution declaring intent of Board to convey or dedicate property to the state or any political subdivision. (Education Code 39541)
3. Resolution authorizing and directing the Board president to execute a deed of dedication or conveyance of property. (Education Code 39543)
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. (Education Code 39380)
5. Temporary borrowing before receipt of fiscal income. Approval of county auditor and treasurer is required for this action. (Government Code 53821)
6. Ordering city or county zoning ordinances inapplicable if they would adversely affect the use of property for classrooms. (Government Code 53094)  
*(cf. 7150 – Relations with other Governmental Units)*
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. (Education Code 39618, 39618.5)

Actions requiring a four-fifths vote of the Board include:

1. The expenditure and transfer of necessary funds and use of district vehicles and 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. (Government Code 53790-53792)  
*(cf. 3110 – Transfer of Funds Between Categories)*
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. (Government Code 53822-53824)

Actions requiring a unanimous vote of the Board include:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas. (Education Code 39431)

2. Private sale of surplus property without advertisement requires the unanimous vote of the Board members present establishing that such property is not worth more than \$2,500. Disposal of surplus property in the local dump requires the unanimous vote of the Board members present establishing that the value of such property would not defray the cost of its sale. (Education Code 39521)

*(cf.3270 – Sale and Disposal of Books, Equipment and Supplies)*

### **Challenging Board Actions**

Any demand to correct a Board action because of an alleged violation of the open meeting or agenda notice requirements shall be presented to the Board within 30 days of the date when the action was taken. 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

*35144 Special meeting*

*35145 Public meetings*

*35146 Closed sessions*

*35164 Majority vote of all members constituting board for board action*

*39366, 39380, 39541, 39543 Actions requiring a two-thirds vote*

*39431 Resolution requiring unanimous vote of all members constituting board*

*39521 Private sale of personal property*

*39618 District deferred maintenance fund*

*39618.5 Deferred maintenance fund; transfer of excess local funds*

##### GOVERNMENT CODE

*6062(a) Ten days; two publications in newspaper*

*53094, 53821 Actions requiring a two-thirds vote*

*53790-53792, 53822-53824 Actions requiring a four-fifths vote*

*54950 Meetings: declaration; intent; sovereignty*

*54952.6 Action taken, definition*

*54953 Meetings to be open and public; attendance*

*54954.2 Agenda posting requirements; board actions*

*54956 Special meetings; call; notice*

*54956.5 Emergency meetings in emergency situations*

*54957-54957.7 Closed session, especially:*

*54957.1 Public report and roll call vote, employee matters in closed session*

*54957.2 Executive session; clerk; minute book*

*54960.1 Challenge of governing board actions*