

Bylaw 9323.2: Actions By The Board

The ~~Board of Education~~ **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 **Governing** 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 **Governing Board** members to make a positive or negative decision
3. A vote by a majority of the **Governing Board** members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board ~~may~~ shall not take action in a regular meeting by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the **Governing** Board in open session shall be recorded in the Board minutes. (Education Code 35145)

Action on Non-Agenda Items

The **Governing** Board may take action on a subject not listed appearing on the published posted meeting agenda only when it publicly identifies the item to be acted upon in conjunction with after publicly identifying the item and if any one of the following circumstances: conditions are met: (Government Code 54954.2)

1. ~~The Board, by majority vote of its members, determines that the action responds to an emergency situation.~~ ←
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1. ~~The Board determines, either by a~~ When a majority of the **Governing** Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. ~~When two-thirds majority vote of the members present at the meeting, 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 posting of the agenda.~~ ←

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- ~~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.¶~~

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~~The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)¶~~

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~~Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)¶~~

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~~Challenging Board Actions¶~~

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~~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: (Government Code 54960.1)¶~~

- ~~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¶~~

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~~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)¶~~

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~~Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation. (Government Code 54960.1)¶~~

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~~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. (Government Code 54960.1)¶~~

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- ~~2. 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)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 **Governing** 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 **Governing** Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960-54960.5)