

The Board of Trustees 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 meeting agenda only after publicly identifying the item and if any one 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

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)

References

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

CODE OF CIVIL PROCEDURE

- 1245.240 Eminent domain vote requirements
- 1245.245 Eminent domain; resolution adopting different use
- 425.16 Special motion to strike in connection with a public issue

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- 17512 Leasing for production of gas; resolution requiring unanimous vote
- 17546 Private sale of personal property
- 17556-17561 Dedication of real property
- 35140-35149 Meetings
- 35150 Termination of superintendent
- 35160-35178.4 Powers and duties
- 48660-48661 Community day schools; establishment and restrictions

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
- 54230.5 Disposal of surplus land and receipt of notice of violation
- 54230.7 Disposal of surplus land and receipt of notice of violation
- 54950-54963 The Ralph M. Brown Act
- 54952.6 Action taken; definition
- 54953 Meetings to be open and public; attendance
- 54960-54960.5 Actions to prevent violations
- 65352.2 Communicating and coordinating of school sites

PUBLIC CONTRACT CODE

- 20110-20118.44 School district contracts
- 20113 Emergencies; award of contracts without bids

20114 Repairs, maintenance, and improvements to district facilities by day labor or force account
22034 Uniform Public Construction Cost Accounting Act informal bidding ordinance
22035 Repair or replacement of facilities in case of emergency
22050 Emergency contracting procedures
3400 Bid specifications

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
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

PUBLICATIONS

Attorney General Publication, The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
CSBA Publication The Brown Act: School Boards and Open Meeting Laws, rev. 2023
League of California Cities Publication Open and Public IV: A Guide to the Ralph M. Brown Act,
rev. July 2010

WEBSITES

CSBA District and County Office of Education Legal Services
Institute for Local Government
California Attorney General's Office
CSBA

Board of Trustees
October 9, 1980
Reviewed: October 26, 1989
Reviewed: January 1993
Revised: October 16, 2025
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