Board of Education

BP 9323.2
Page 1 of 2

Actions by the Board

The County Board of Education shall act by a majority vote of all of the membership constituting the County Board, unless otherwise required by law.

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

Actions taken by the County Board in open session shall be recorded in the County Board minutes. (Education Code 1015)

Action on Non-Agenda Items

After publicly identifying the item, the County Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the County 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 County Board'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

Actions requiring a Two-Thirds, Four-Fifths, or Unanimous Vote

For actions requiring more than a majority vote, the County Board shall follow the requirements set forth in applicable law.

Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the County Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened County Board actions, to determine the validity, under California or federal law, of any County Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the County Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)
Actions by the Board

Legal Reference:
EDUCATION CODE
1015 Recording votes
1042 Power to hold and convey real property
1047 Eminent domain
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
35164 Vote requirements
CODE OF CIVIL PROCEDURE
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

Adopted SMCBE: 08/16/17