

# Santa Barbara School Districts

## Board Bylaw

**BB 9323.2**

### **Bylaws of the Board**

#### **ACTIONS BY THE BOARD**

The Board of Education shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

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

The Board may take action in a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances: (Government Code 54954.2)

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation.

*(cf. 9320 - Meetings and Notices)*

2. The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the district’s attention 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.

*(cf. 9322 - Agenda/Meeting Materials)*

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)

## Challenging Board Actions

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

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)

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)

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)

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)

### *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 District deferred maintenance fund*
- 17583 Deferred maintenance fund; transfer of excess local funds*
- 35144 Special meeting*
- 35145 Public meetings*
- 35164 Majority vote of all members constituting board for board action*
- 35165 Vacancies, effect on majority and unanimous vote*
- 48660 Establishment of community day schools*
- 48661 School site restrictions for community day schools*

#### GOVERNMENT CODE

53094 Authority to render zoning ordinance inapplicable  
53097 Compliance with ordinances  
53097.3 Charter school ordinances  
53790-53792 Exceeding the budget  
53820-53833 Temporary borrowing  
53850-53858 Temporary borrowing  
54950 Meetings: declaration; intent; sovereignty  
54952.6 Action taken, definition  
54953 Meetings to be open and public; attendance; secret ballots  
54953.5 Right to record proceedings; conditions  
54954.2 Agenda posting requirements; board actions  
54954.5 Closed session item descriptions  
54954.6 New or increased taxes or assessments; hearings; notice  
54956 Special meetings; call; notice  
54956.5 Emergency meetings in emergency situations  
54960 Action to prevent violations  
54960.1 Challenge of governing board actions  
54960.5 Costs and attorney fees  
65352.2 Coordination with planning agency  
PUBLIC CONTRACT CODE  
20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder  
20113 Emergencies, award of contracts without bids  
COURT DECISIONS  
Bell v. Vista Unified School District, (2002) 82 Cal.App.4<sup>th</sup> 672  
Boyle v. City of Redondo Beach, (1999) 70 Cal.App.4<sup>th</sup> 1109

*Management Resources:*

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 1999

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw: SANTA BARBARA SCHOOL DISTRICTS  
Adopted: May 23, 2006 Santa Barbara, California