

ACTIONS BY THE BOARD

The Board of Trustees shall take no action outside of a public meeting except on those matters and under those conditions authorized for closed sessions. (Government Codes 54957- 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, or
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. Pursuant to Government Code 54956.5, an emergency situation is a work stoppage, crippling disaster, or other activity which severely impairs public health or safety.
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 the unanimous vote of all members present, that the need to take immediate 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.

(cf. 9320 - Meetings)

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. 9324 - Minutes)

ACTIONS BY THE BOARD (continued)

Unless more than a majority vote is required by law, the Board takes action by the majority vote of all its members. (Education Code 35164)

Consent Items

In order to promote efficiency, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items are items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

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)

Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph or tape record open meetings without causing a distraction.

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference: (see next page)

ACTIONS BY THE BOARD (continued)

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 *Declaration of intent to sell or lease real property*
- 39380 *Lease of property with residence for nondistrict purposes*
- 39431 *Resolution requiring unanimous vote of all members constituting board*
- 39521 *Private sale of personal property*
- 39541 *Resolution of intention*
- 39543 *Public hearing and adoption of resolution*
- 39618 *District deferred maintenance fund*
- 39618.5 *Deferred maintenance fund; transfer of excess local funds*

GOVERNMENT CODE

- 53094 *Authority to render zoning ordinance inapplicable*
- 53790-53792 *Exceeding the budget*
- 53821 *Temporary borrowing; action requiring a two-thirds vote*
- 53822-53824 *Action requiring a four-fifths vote*
- 53850-53858 *Temporary borrowing*
- 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*
- 54954.6 *New or increased taxes or assessments; hearings; notice*
- 54956 *Special meetings; call; notice*
- 54956.5 *Emergency meetings in emergency situations*
- 54957-54957.7 *Closed sessions, especially:*
 - 54957.1 *Public report and roll call vote, employee matters in closed session*
 - 54957.2 *Executive sessions; clerk; minute book*
 - 54960.1 *Challenge of governing board actions*

Bylaw
adopted: February 27, 1995
revised: February 12, 1998

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California