

Riverside County Office of Education
Board Bylaw 9323.2 Actions by the Board, Quorum, Required Vote to Pass, Abstentions,
Challenging Board Actions

BYLAWS OF THE BOARD

SUBJECT: Actions by the County Board of Education

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

An "action" by the County Board means: (Government Code 54952.6)

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

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

The County 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 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
4. Until December 31, 2025, when a County Board member requests to participate remotely 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 County Board, the district attorney's office or interested person shall first present a demand to "cure and correct" the alleged violation to the county office of education (COE). If the COE 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 County Board shall consult with legal counsel on if and how to respond as provided by law. (Government Code 54960- 54960.5)

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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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Publication The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Court Decision Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109
Court Decision McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310
Court Decision Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313
Court Decision Bell v. Vista Unified School District (2000) 82 Cal.App. 4th 672
CSBA Publication The Brown Act: School Boards and Open Meeting Laws, rev. 2014
League of California Cities Publication Open and Public IV: A Guide to the Ralph M. Brown Act Supplement, September 2013
League of California Cities Publication Open and Public IV: A Guide to the Ralph M. Brown Act 2nd Edition, rev. July 2010
Website Institute for Local Government
Website CSBA
Website California Office of the Attorney General

State

Code of Civil Procedure 1245.240 Eminent domain vote requirements
Code of Civil Procedure 1245.245 Eminent domain; resolution adopting different use
Ed. Code 1000 County boards consist of five or seven members
Ed. Code 1015 Recording votes
Ed. Code 1042 Authorization to hold and convey real property
Ed. Code 1047 Eminent domain
Ed. Code 17466 Declaration of intent to sell or lease real property
Ed. Code 17481 Lease of property with residence for nondistrict purposes
Ed. Code 17556-17561 Dedication of real property
Gov. Code 53790-53792 Exceeding the budget
Gov. Code 53820-53833 Temporary borrowing
Gov. Code 53850-53858 Temporary borrowing
Gov. Code 54230.5 Disposal of surplus land and receipt of notice of violation 13
Gov. Code 54230.7 Disposal of surplus land and receipt of notice of violation
Gov. Code 54950-54963 The Ralph M. Brown Act
Gov. Code 54952.6 Action taken; definition
Gov. Code 54953 Meetings to be open and public; attendance; prohibition against secret ballots
Gov. Code 54960-54960.5 Actions to prevent violations
Gov. Code 65352.2 Coordination with planning agency
Pub. Cont. Code 22000-22045 Uniform Construction Cost Accounting Procedures
Pub. Cont. Code 22034 Uniform Public Construction Cost Accounting Act informal bidding

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ordinance

Pub. Cont. Code 22035 Repair or replacement of facilities in case of emergency

Pub. Cont. Code 22050 Emergency contracting procedures

Pub. Cont. Code 3400 Bid specifications

Cross References Description

9000 Role Of The Board

9000-E(1) Role Of The Board

9005 Governance Standards

9012 Board Member Electronic Communications

9200 Limits Of Board Member Authority

9320 Meetings And Notices

9321 Closed Session

9321-E(1) Closed Session

9321-E(2) Closed Session

9324 Minutes And Recordings