

File No. 103809

January 25, 1961

Mr. Philip Darling, Director
Department of Planning
Room 400 Municipal Building
Baltimore 2, Maryland

Dear Mr. Darling:

This is in answer to your letter of January 12, 1961, in which you raise three questions with respect to voting procedures of the Planning Commission.

Your first question is whether or not there is any requirement as to the number of commissioners who must be present at a meeting in order to constitute a quorum for the conduct of business. Sections 102 through 122, inclusive, of the Charter and Public Local Laws of Baltimore City (1949 ed.), which relate to the Department of Planning, do not specify the number of members necessary to constitute a quorum. In fact, with the exception of certain specific type of actions, the sections are silent with respect to the number of votes necessary to carry a particular action.

The general rule is that where the law creating a particular board or agency is silent with respect to the number of members necessary to constitute a quorum, a majority of the membership is sufficient for that purpose. See Roberts "Rules of Order," Revised Edition, Sec. 64; McQuillin, "Municipal Corporations," 3rd ed., Volume 4, Sec. 13.30.

As you know, your Board, under Section 102, is comprised of nine members, three of whom are members ex officio. Ordinarily, an ex officio member of a commission has all of the privileges, including the right to vote, possessed by other members. Roberts, "Rules of Order," revised edition, Sec. 51. Therefore, with the exception of those sections which will be referred to hereinafter, which require the vote of a specific number of members of the Commission, we believe that a majority of the membership is sufficient to constitute a quorum for the conduct of the Commission's business.