

File No. 103852

March 6, 1961

Honorable Harry D. Kaufman
President - Jail Board
220 E. Lexington Street
Baltimore 2, Maryland

Dear Mr. Kaufman:

This is in answer to your oral request of February 1, 1961, in which you raised various questions with respect to voting procedures of the Jail Board.

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 83 through 90, inclusive, of the Charter and Public Local Laws of Baltimore City (1949 Ed.), which relates to the Jail Board, does not specify the number of members necessary to constitute a quorum. In fact, these 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 83, is comprised of seven members. Therefore, we believe that a majority of the membership is sufficient to constitute a quorum for the conduct of the Board's business.

In your second question, you ask how many votes are necessary to carry an action where no number is specified in the City Charter. As you know, the Charter is silent with respect to the number of votes necessary to carry an action. The general