

SCHOOLS: Majority of quorum of coun school board has power to approve county reorgani tion.

*Special
to Henry*

April 27, 1949

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Honorable Stephen J. Millett
Assistant Prosecuting Attorney
Caldwell County
Kingston, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"The Caldwell County Board of Education has requested an opinion on the question of the number of votes required to carry a motion or plan before their board when only four or five members of the board are present.

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"The County reorganization plan must be submitted by May 1st, 1949, but all six of the members cannot attend the meetings because of illness. If all six were present then it is agreed that a majority of four members must agree or vote for any plan or motion for it to carry. If five members are present and the vote is three in favor of the plan or motion, two against, should the same be declared carried?"

Section 4, Laws of Missouri, 1947, Vol. II, page 370, provides in part as follows:

"Four members of the board shall constitute a quorum. * * * "

"Quorum" is defined in Webster's New International Dictionary as "such a number of the officers or members of any body as is, when duly assembled, legally competent to transact business." Since a "quorum" is defined as the number necessary to transact business, we believe it to be obvious

that a majority of a quorum has power to act upon a plan or motion presented to such quorum. Therefore, we believe that where four or five members of the county school board are present at a meeting and thereby constitute a quorum that a majority of three members is sufficient to pass or defeat a plan or motion before such board for action.

CONCLUSION

It is the opinion of this department that when four or five members of a county board of education are present at a meeting of such board, and that a majority of three votes are cast in favor of any motion or plan before the board, that such motion or plan is carried.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

CBB:VLM