

Cities and Towns—City Council—Members—Quorum—Mayor.

The majority of the members of a city council constitutes a quorum, and the mayor is a member of the council and is to be considered as such in determining whether a quorum is present for the transaction of business.

December 15, 1927.

Frank Napton, Esq.,
City Clerk,
Polson, Montana.

My dear Mr. Napton:

You have requested my opinion on the following questions:

First: What constitutes a quorum in the city council?

Second: Is the mayor a member of the city council?

Third: Where the council consists of six members besides the mayor, would three members of the council and the mayor being present, be sufficient to constitute a quorum for the transaction of business?

In answer to your first question, section 5052, R. C. M. 1921, provides as follows:

“A majority of the members of the council constitute a quorum for the transaction of business, but a less number may meet and adjourn to any time stated, and may compel the attendance of absent members, under such rules and penalties as the council may prescribe.”

In answer to your second and third questions, will say that the supreme court of the state of Montana in the case of *State ex rel. Young v. Yates*, 19 Mont, 239, held that the city council was composed of the mayor and aldermen and that the mayor was a constituent part of the council.

It is therefore my opinion that the mayor is a member of the city council and that he is to be considered as such in determining whether or not a quorum is present for the transaction of business.

Very truly yours,

L. A. FOOT,
Attorney General.