

**ORDINANCE # 04-26**

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**An Ordinance to Amend Section 2-509 of the City of Berlin Municipal Code, to Reduce the Plan Commission Quorum Requirement from 5 Members to 4 Members**

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WHEREAS, the City of Berlin Plan Commission has recommended to the Common Council to approve the amendment as set forth herein, to ensure the Plan Commission may conduct its business when it is not possible or convenient to achieve attendance of five members, but four members are available; and

WHEREAS, the Common Council of the City of Berlin finds in the interest of efficiency to permit and conduct meetings before the Plan Commission with a reduced quorum of its members to 4 members.

NOW THEREFORE, the Common Council of the City of Berlin do ordain as follows:

**SECTION 1:** Chapter 2 of the City of Berlin Municipal Code entitled "Administration," Article IV entitled "Boards, Commissions and Committees," Division 8 entitled "Plan Commission," Section 2-509 entitled "Record" is hereby repealed and re-created with the title "Record, Quorum, and Voting" as follows:

...

• **Sec. 2-509. -- Record, Quorum and Voting.**

The plan commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the clerk-treasurer. Four members ~~Five~~ shall constitute a quorum. All actions require the affirmative approval of a majority of all of the members of the plan commission.

...

**SECTION 2: Severability.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3: Effective Date.** This ordinance shall be effective immediately upon passage, following publication or posting as provided by law.

PASSED, APPROVED, AND ADOPTED THIS 10<sup>th</sup> DAY OF FEBRUARY 2026.

6 AYES

0 NAYS

0 ABSENT

CITY OF BERLIN

  
CATRINA BURGESS, MAYOR

ATTEST:

  
JESS BALCOM, CITY ADMINISTRATOR/CLERK

APPROVED AS TO FORM:

  
ERIC LARSON, CITY ATTORNEY