

073-304A—September 6, 1973
(Supplement to 073-304)

COUNTY CHARTER COMMISSION
VOTING ON COMMISSION APPOINTMENT BY
LEGISLATIVE DELEGATION

To: Charles H. Weber, Senator, 30th District, Fort Lauderdale

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

(See 073-304 for question)

SUMMARY:

Under §125.61(2), F. S., in appointing a county charter commission, each member of the legislative delegation having jurisdiction in the county has the same voting right as any other member.

In AGO 073-304 I ruled that, pending legislative or judicial clarification, the "legislative delegation" for the appointment of members of a county charter commission under §125.61(2), F. S., should consist of all legislators in whose districts all or any portion of the county is included. You have advised that, under this interpretation of the statute, there will be six senators and seventeen representatives who will have the appointing power, some of whom live in counties other than Broward and who represent only a small portion of the county; and you have inquired as to how their votes should be tabulated because of the great discrepancy in the numbers of residents or voters which each legislator will represent in this particular situation.

As noted by you, the statute contains no guidelines in this respect. It provides merely that the members of the charter commission "shall be appointed by the legislative delegation having jurisdiction in said county." Section 125.61(2), *supra*. Perhaps weighted voting in this situation would be in order. *Cf. Salyer Land Co. v. Tulare Lake Basin Water Storage District*, 410 U.S. 719 (1973), in which the Supreme Court upheld a California statute limiting voting upon the establishment of the district to landowners and weighting the vote according to the assessed value of the land. *Accord: Associated Enterprises, Inc. v. Toltec Watershed Improvement District*, 410 U.S. 743 (1973), in which the vote was limited to landowners and weighted according to acreage. However, it seems clear that the question of weighted voting is a matter which should be determined by the legislature itself; and there is nothing in the statute which either expressly or by necessary implication requires this type of vote.

Accordingly, pending legislative clarification, I can only advise that the members of the legislative delegation should cast their votes in accordance with the procedure generally applicable to this type of group action—that is, each member of the appointive body has the same voting right as any other member.

073-305—August 31, 1973

MUNICIPALITIES

USE OF REVENUE-SHARING FUNDS TO OBTAIN CONTRACTUAL
POLICE SERVICES—POTENTIAL CUT BELOW
MINIMUM MILLAGE FOR ELIGIBILITY FOR
REVENUE-SHARING FUNDS

To: Harold J. Soehl, North Redington Beach Town Attorney, St. Petersburg

Prepared by: Sydney H. McKenzie III, Assistant Attorney General