

ARTICLE III. - MAYOR

Sec. 3.01. - Office; eligibility; election; term.

- (a) *Office.* There shall be a mayor of said city elected by the qualified voters of the city at large.

Editor's note— The provisions of subsection (a) cannot be amended by the city without a referendum. See Ops. Atty. Gen. 078-32, 078-61.

- (b) *Eligibility.* The mayor shall be a duly qualified elector of said city and shall have been a resident of said city for not less than one (1) year prior to his election to office.

Editor's note— The provisions of subsection (b) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166). See Op. Atty. Gen. 074-25. Subsection (b) may be amended by the city without a referendum.

- (c) *Election and term.* The mayor of the city shall hold office for a term of two (2) years beginning on the first Tuesday in December after his election. The office of mayor shall be filled at the general election to be held on the third Tuesday in October of odd-numbered years.

(Ord. No. 1022, § 12, 9-6-77/11-1-77; Ord. No. 5312, § 2, 8-17-04; Ord. No. 5648, § 1, 4-3-07)

Editor's note— As the provisions of subsection (c) were amended by Ord. No. 1022, adopted on Sept. 6, 1977, and approved at referendum on Nov. 1, 1977, such provisions cannot be amended by the city without a referendum, subject, however, to the provisions of F.S. § 166.031(5). The Municipal Home Rule Powers Act only affected limitations on power contained in those charters or charter amendments enacted prior to Oct. 1, 1973. See Op. Atty. Gen. 075-223.

Sec. 3.02. - Compensation; expenses.

The mayor shall receive a monthly salary in the amount determined by the city council, provided the salary of the mayor shall be not more than five hundred fifty dollars (\$550.00) monthly. No ordinance or resolution increasing such salary of the mayor shall become effective until the time of the commencement of the term of the mayor elected at the next regular election provided that such election follows the adoption of such ordinance or resolution by at least six (6) months. The mayor shall receive his actual and necessary expenses in the actual performance of his duties of office.

(Ord. No. 4041, § 1, 4-24-01)

Sec. 3.03. - Duties and powers.

The mayor of the city shall:

- (a) Attend regular and special meetings of the city council.
- (b) Have charge and control of the police department of the city, and be responsible for the enforcement of all ordinances of the city not relating to the operation of the public utilities.
- (c) Nominate the chief of police, and suspend such chief of police at any time by preferring charges in writing against such chief of police with the city clerk of said city; subject to further provisions of Section 2.08 of this act.
- (d) Be recognized as head of the city government for all ceremonial purposes and of the government for purposes of military law.
- (e) Have the right to veto any ordinance adopted by the city council within ten (10) days after the date of such adoption; subject to the provisions of Section 2.13(b) of this act.

Editor's note— The provisions of § 3.03 cannot be amended by the city without a referendum. See Ops. Atty. Gen. 077-135, 078-31. Pursuant to directions of the city, the time limit for exercise of the veto provided in subsection (e) has been changed from "thirty (30) days" to "ten (10) days" to conform the provisions of such subsection to the provisions of § 2.13(b), as amended by Ord. No. 1022, § 9, adopted Sept. 6, 1977, and approved at referendum on Nov. 1, 1977.

Sec. 3.04. - Reserved.

(Repealed by Ord. No. 2013-42, § 2, 7-2-13)

Editor's note— Ord. No. 2013-42, § 2, adopted July 2, 2013, repealed § 3.04, which provided for prohibitions.

Sec. 3.05. - Vacancy; forfeiture of office; filling of vacancy.

- (a) *Vacancy*. The office of mayor shall become vacant upon his death, resignation, removal from office in any manner authorized by law, or forfeiture of the office.

Editor's note— The provisions of subsection (a) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166). See Op. Atty. Gen. 074-25. Subsection (a) may be amended by the city without a referendum.

- (b) *Forfeiture of office.* The mayor shall forfeit his office if he:
- (1) lacks at any time during the term of office any qualifications for the office prescribed by this charter or by law;
 - (2) violates any express prohibition of the charter;
 - (3) is convicted of a crime involving moral turpitude; or
 - (4) fails to attend three (3) consecutive regular meetings of the city council without being excused by the council.

Editor's note— The provisions of subsection (b) have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166). See Op. Atty. Gen. 074-25. Subsection (b) may be amended by the city without a referendum.

- (c) *Filling vacancy.* A vacancy in the office of mayor shall be filled at a special election for the remainder of the unexpired term; provided, if such vacancy occurs not more than one hundred twenty (120) days before the date of the next regular election, the president of the city council shall occupy such office for the remainder of the unexpired term. The special election to fill the vacancy for the unexpired term shall be called by proclamation of the president of the city council in the same manner and upon the terms and conditions for the filling of a vacancy on the city council as provided in Section 2.05(c) of this act.

Editor's note— The provisions of subsection (c) cannot be amended by the city without a referendum, except as may be provided in F.S. § 166.031(b). See Op. Atty. Gen. 075-158.

Sec. 3.06. - Judge of qualifications.

The city council shall be the judge of the election and qualifications of the mayor and of the grounds for forfeiture of said office, and for that purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. Decisions made by the city council under this section shall be subject to review by the courts.

Editor's note— The provisions of the second sentence of § 3.06 have assumed ordinance status by virtue of the Municipal Home Rule Powers Act (F.S. ch. 166) and their inclusion in the Code of Ordinances, City of Ocala, Florida. As the last sentence which appears above relates to both the

first sentence (which cannot be amended without a referendum) and the second sentence, it has been retained in this section and included in the new Code with the second sentence. See Code § 2-53.

Sec. 3.07. - Temporary absence.

During the temporary absence or inability of the mayor to perform his duties of office, the powers and duties of mayor shall be vested in the president of the city council; provided, no chief of police may be suspended or nominated for office by the president of the city council acting as mayor during such temporary absence or vacancy in office.