

**IN THE COUNTY COURT OF THE 11TH
JUDICIAL CIRCUIT OF FLORIDA, IN AND
FOR MIAMI-DADE COUNTY, FLORIDA**

CIVIL DIVISION CASE NO.: 2023-000618-CA-01

ANTHONY F. DEFILLIPO,

Plaintiff,

vs.

CITY OF NORTH MIAMI BEACH,

Defendants.

**AGREED MOTION TO CLARIFY AND ENFORCE THIS COURT'S ORDER OF
MARCH 5, 2023**

Plaintiff, Mayor Anthony F. DeFillipo, moves this Court to Clarify and/or Enforce its Order of March 5, 2023 and states as follows:

1. In its Order Granting Plaintiff's Emergency Motion to Compel of March 5, 2023, this Court held as follows:

"This Court Orders and Directs all members, including individual commissioners, of the City of North Miami Beach Commission to attend the publicly noticed March 21, 2023 City Commission Meeting, commencing at 6:00 pm."

2. The meeting did begin on March 21, 2023 with all Commissioners present, but at midnight the meeting ended without getting to any of the Agenda items that had been pending since the October 18, 2022 Commission meeting.

3. The termination of the former City Manager and the appointment of a new City Manager and Attorney, and various procedural votes and discussions about the pending lawsuits and potential conflicts consumed the entire meeting.

4. Not one item that has been pending for over four months was taken up during the March 21, 2023 meeting.

5. The City Charter of North Miami Beach requires the City to hold 11 City Commission Meetings.
6. Attached as Exhibit "A" is Resolution R2022-153, which was passed on October 18th, 2022;
7. Resolution R2022-153 sets forth the dates of the remaining City Commission meetings for 2023, along with alternative dates to complete Agenda Items if needed on the Thursday after each Commission Meeting.
8. In Order to give effect to the intent of this Court's Order of March 5th, 2023, this Motion asks the Court to enter an Order clarifying that all Commissioners are compelled to comply with the meeting scheduled set forth in Resolution R2022-153, which the City Commission unanimously passed on October 18th, 2023 and to clarify that the Order does not require Commissioners to remain in the Chamber and participate if doing so would conflict with any State or Local Law requiring recusal.
9. The City's attorneys have been contacted they do not oppose this Motion.

WHEREORE, it is requested that this Court Order that all Commissioners comply with Resolution 2022-153, and permit any Commissioners to recuse themselves from any vote if required to do so by state or local law.

Respectfully submitted,

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By: /s/ Michael A. Pizzi, Jr.
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By: /s/ Benedict P. Kuehne
BENEDICT P. KUEHNE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing was e-filed via the State's eFiling Portal and copies furnished electronically to all parties of record, including Andrise Bernard, Clerk, City of North Miami Beach, andrise.bernard@citynmb.com, on April 4, 2023.

By: /s/ Michael A. Pizzi, Jr.
MICHAEL A. PIZZI, JR., ESQ.

EXHIBIT "A"

RESOLUTION NO. R2022-153

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, SETTING THE DATES FOR THE CITY COMMISSION MEETINGS FOR THE 2023 CALENDAR YEAR; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 8, 2016, the electorate approved amending the City of North Miami Beach's Charter to reduce the number of regular City Commission meetings to no less than 11 monthly meetings per year; and

WHEREAS, based upon previous meeting schedules the City Clerk with the City Manager has proposed the below schedule for the 2023 City Commission Meetings; and

WHEREAS, the 2023 schedule proposes the regular monthly City Commission meetings will be on the third Tuesday of each month beginning at 6:00 P.M. with an alternate date for an additional meeting, if necessary, to be held subsequent to the regular City Commission Meetings as listed below.

REGULAR CITY COMMISSION MEETING DATES	ALTERNATE MEETING DATES
Tuesday, January 17, 2023 at 6:00 pm	Thursday, January 26, 2023
Tuesday, February 21, 2023 at 6:00 pm	Thursday, February 23, 2023
Tuesday, March 21, 2023 at 6:00 pm	Thursday, March 23, 2023
Tuesday, April 18, 2023 at 6:00 pm	Thursday, April 27, 2023
Tuesday, May 16, 2023 at 6:00 pm	Thursday, May 25, 2023
Tuesday, June 20, 2023 at 6:00 pm	Thursday, June 22, 2023
Tuesday, July 18, 2023 at 6:00 pm	Thursday, July 27, 2023
Tuesday, August 15, 2023 at 6:00 pm	Thursday, August 24, 2023
Tuesday, September 19, 2023 at 6:00 pm	Thursday, September 28, 2023
Tuesday, October 17, 2023 at 6:00 pm	Thursday, October 26, 2023
Tuesday, November 14, 2023 at 6:00 pm * (2 nd Tuesday)	Thursday, November 16, 2023 * (3 rd Thursday)
Tuesday, December 19, 2023 at 6:00 pm	Thursday, December 28, 2023

WHEREAS, the Mayor and City Commission wishes to approve the 2023 calendar of dates for the City Commission Meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA.

Section 1. **Recitals.** The aforementioned recitals are true and correct.

Section 2. **Approval.** The Mayor and City Commission hereby approve the 2023 City Commission Meeting Schedule.

Section 3. **Effective Date.** This Resolution shall become effective immediately upon approval.

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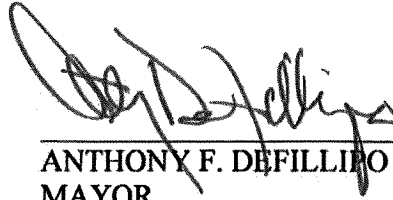
[SIGNATURE PAGE TO FOLLOW]

APPROVED AND ADOPTED by the City of North Miami Beach City Commission at the regular meeting assembled this the 18th day of October, 2022.

ATTEST:



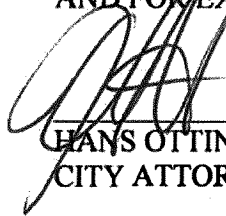
ANDRISE BERNARD, MMC
CITY CLERK



ANTHONY F. DEFILLIPO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION



HANS OTTINOT
CITY ATTORNEY

SPONSORED BY: Mayor and City Commission