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Fwd: Letter of Support for Commissioner Joseph

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Dear Mayor and Commission,

Commissioner Michael Joseph did not attend meetings of the city commission for more than 120 days until he was forced by a March 5, 2023 Court Order to do the job he was elected to do. Prior to the March 21, 2023 meeting, the last meeting he had attended was on October 18, 2022.

Let me remind you that [Article II, Sec. 2.4 of your City Charter](#) states, "The City Commission shall hold at least 11 regular monthly *meetings* in each calendar year, at such times and places as the City Commission may prescribe by a Resolution adopted by November 1, of each year establishing the schedule and number of Council *meetings* for the following calendar year."

A copy of said Resolution No. R2022-153 setting the dates for Commission meetings for the calendar year 2023 is attached for your reference.

According to [Article II, Sec. 2.5 of your City Charter](#), "A *quorum* of the City Commission at any regular or special meeting shall consist of five members. Except as otherwise provided herein, the affirmative vote of a majority of the *quorum* present shall be required upon any matter submitted for consideration of the Commission. If any Commissioner has failed to attend a meeting of the City Commission for a period of one hundred and twenty (120) days, the seat of such Commissioner shall automatically become vacant."

Let me remind you that according to your City Charter, a "meeting of the City Commission" is one that is properly noticed in accordance with your City Charter, and one that is attended by a quorum of the elected officials. A workshop hastily called by a Commissioner and attended by only two members is not considered a "meeting of the City Commission."

And, finally, let me remind all of you that in accordance with [Article I, Sec. 1.6 of your City Charter](#), you took an oath of office "to support, protect and defend the Constitution and Government of the United States and of the State of Florida, and the Charter of the City of North Miami Beach," and that you "will, well and faithfully perform the duties of" your elected office.

That being said, Michael Joseph has violated the City Charter by not attending meetings of the City Commission in excess of 120 days in violation of Article II, Sec. 2.5 of your City Charter, the consequence of which is that his seat is automatically vacated.

Therefore, it is incumbent upon you, the elected officials of the City of North Miami Beach, to support, protect and defend the Charter of the City of North Miami Beach by ensuring that all members of the City Commission abide by the laws enumerated in your City Charter.

Regardless of your personal feelings, and regardless of the pressure being placed on you from outside individuals and organizations that do not represent the residents of the City of North Miami Beach, you are the ultimate arbiters of

what constitutes a violation of your City Charter.

Michael Joseph violated that Charter and he is not above the law.

Very truly yours,

Stephanie Kienzle

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2 attachments



Letter of Support (Commissioner Joseph).pdf

126K



Resolution No. R2022-153.pdf

209K