

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA
AMENDING SEC 2.773(c) (1) and (2) of SEC. 2-773.
PERMITTED COMMUNICATIONS., CHAPTER 2.,
DIVISION 3., SUBDIVISION 1. OF THE CODE OF
ORDINANCES, CITY OF KEY WEST, FLORIDA
CLARIFYING PERMITTED WRITTEN COMMUNICATIONS
AND PROCEDURES FOR WRITTEN COMMUNICATIONS WITH
VENDORS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF INCONSISTENT
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West has adopted a Cone of Silence ordinance to promote integrity, transparency, and fairness in the City's procurement process; and

WHEREAS, the Cone of Silence is intended to prevent undue influence, lobbying, or improper communications between vendors and City officials or employees during the competitive solicitation process; and

WHEREAS, concerns have been raised regarding the vagueness and lack of clarity in the current ordinance language, particularly as it relates to written communications with the public; and

WHEREAS, the lack of specificity regarding permitted written communications has resulted in inconsistent interpretations and has, in some cases, unnecessarily hindered the awarding of proposals; and

WHEREAS, it is in the public interest to amend the Cone of Silence ordinance to explicitly state the certain types of written communications that are permitted and the requirements for permitted written communications between a vendor or a vendor's representative and any city employee, official or member of the city commission; and

WHEREAS, the City Commission desires to ensure that the Cone of Silence continues to serve its intended ethical purpose while also allowing for clearly defined, appropriate, and documented communication between vendors and city employees, officials or members of the City Commission, in a manner that promotes transparency and efficiency; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 2-773(c) *Permitted communications*. of the Code of Ordinances of the City of Key West, Florida is hereby amended to read in its entirety as follows*:

"(c) *Permitted communications*. Notwithstanding the foregoing, nothing contained herein shall prohibit:

- (1) Communications, written or oral, between members of the public who are not vendors or a vendor's representative and any city employee, official or member of the city commission;
- (2) Communications, in writing, between a vendor or a vendor's representative and any city employee, official or member of the city

commission, unless specifically prohibited by the applicable competitive solicitation.

- (A) However, any written communication between a vendor or a vendor's representative and any city employee, official or member of the city commission must be filed with the city clerk. Any city employee, official or member of the city commission receiving or making any written communication must immediately file it with the city clerk.
- (B) The city clerk shall include all written communications between a vendor or a vendor's representative and any city employee, official or member of the city commission as part of the agenda item when publishing information related to a particular competitive solicitation;
- (3) Oral communications at duly noticed pre-bid conferences;
- (4) Oral presentations before publicly noticed evaluation and/or selection committees;
- (5) Contract discussions during any duly noticed public meeting;
- (6) Public presentations made to the city commission or advisory body thereof during any duly noticed public meeting;
- (7) Contract negotiations with city staff following the award of a competitive solicitation by the city commission; or
- (8) Purchases exempt from the competitive process pursuant to section 2-797 of these Code of Ordinances;"

*Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

*** REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK ***

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2025.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2025.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2025.

Filed with the Clerk _____, 2025.

Mayor Danise Henriquez	_____
Vice Mayor Lissette Carey	_____
Commissioner Aaron Castillo	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Donald "Donie" Lee	_____

Danise Henriquez, MAYOR

ATTEST:

Keri O'Brien, City Clerk