

Keri O'Brien

From: Cheri Smith
Sent: Monday, September 13, 2021 6:26 PM
To: Keri O'Brien
Subject: Fwd: [EXTERNAL] Public Commission Selection of Outside Counsel for Cruise Ship Ordinance

Sent from my iPhone

Begin forwarded message:

From: Larry Myers <brushstrokeslarry@gmail.com>
Date: September 13, 2021 at 6:02:38 PM EDT
To: Teri Johnston <tjohnston@cityofkeywest-fl.gov>, Jimmy Weekley <jweekley@cityofkeywest-fl.gov>, Samuel Kaufman <skaufman@cityofkeywest-fl.gov>, Gregory Davila <gdavila@cityofkeywest-fl.gov>, Mary Lou Hoover <mlhoover@cityofkeywest-fl.gov>, Clayton Lopez <clopez@cityofkeywest-fl.gov>
Cc: Cheri Smith <csmith@cityofkeywest-fl.gov>, sdcsmith@cityofkeywest-fl.gov
Subject: [EXTERNAL] Public Commission Selection of Outside Counsel for Cruise Ship Ordinance

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Dear Mayor Johnson and Commissioners;

As a long-time resident and homeowner in Key West, I thank the Commission for finally breaking the seeming impasse blocking the drafting mandated by the Commission of a timely draft municipal ordinance fully implementing the referendum passed by the substantial majority of Key West voters imposing reasonable limits on cruise ship access to our port. By directly examining Mr. Jacquot, former Florida deputy attorney general, as a potential outside counsel in the appropriate public forum, the Commission is certainly doing the right thing.

The resolution introduced by City Attorney Smith that would give him a Commission blank check to propose for selection whomever he chooses is at odds with his actions - and inactions - so far should be squarely rejected by the Commission.

No matter who is selected as outside counsel, public review by the full Commission in the sunshine is essential for the public trust on this crucial issue. There should be no blank checks.

As a lawyer myself, I am somewhat aghast at the suggestion by Mr Smith of a law firm with ties to a formal opponent of the referendum, a potential or actual conflict of interest that the firm would have been bound to disclose to the City at the outset, even if it were common knowledge. The fact that no other candidate for outside counsel been publicly proposed does not suggest to me that the process of drafting the type of ordinance demanded by the Commission is being met with alacrity. It is certainly the job of the city Attorney to help make the Commission aware of the potential weaknesses of any draft ordinance, whether before or after submitting a draft for Commission consideration, but this is a case where the Commission and the public should be fully involved from the outset in who is advising them.

I request that the City Clerk attach this correspondence to the agenda for the Tuesday, September 14 meeting.

Respectfully submitted,

Lawrence and Brooke Myers