

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO IDENTIFY INDEPENDENT COUNSEL TO ADVISE THE CITY COMMISSION ON CERTAIN ISSUES PERTAINING TO PENDING INVESTIGATIONS AND OTHER RELATED MATTERS AS MAY BE DIRECTED BY THE CITY COMMISSION; AUTHORIZING NECESSARY BUDGET TRANSFERS AND ADJUSTMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at the City Commission meeting of October 10, 2024 during citizen comments, one citizen stated that he believes potential ethical violations by staff, commissioners, and outside parties, as well as violations of DBPR regulations, Florida Bar concerns, violations of Florida Statutes Sections 104, 286, 777, and 468 and the City Charter have occurred. The citizen specifically alleged and complained that the Chief Building Official (CBO) has issued permits to his own business. The CBO and City Attorney are siblings. The citizen remarked that many concerns are being investigated by outside agencies. Due to the relationship between the CBO and the City Attorney and the nature of the potential investigations, there is a potential conflict of interest (or the appearance of a conflict of interest) for the City Attorney in these matters; and

WHEREAS, in response to the citizen's comments

Commissioner Kaufman directed the City Manager to "identify independent counsel to advise the commission on issues pertaining to these investigations," and to "bring a resolution for this commission to consider at our next meeting"; and

WHEREAS, the City Commission finds that engaging independent, outside counsel to advise the commission on pending investigations related to the issues raised at the October 10, 2024 commission meeting will promote transparency, eliminate the potential for any bias related to these investigations, and alleviate even the appearance of any ethical impropriety; and

WHEREAS, the City Commission finds that engaging outside counsel to advise the commission on matters detailed herein is in the best interests of the citizens and residents of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission hereby authorizes and directs the City Manager to identify independent counsel to advise and provide representation to the commission in relation to issues pertaining to current and potential investigations.

Section 2: That a budget transfer from _____ to _____ in an amount not to exceed \$_____ is hereby authorized to fund the independent counsel investigation and/or advice.

Section 3: That this Resolution 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.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2024.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk on _____, 2024.

Mayor Danise Henriquez	_____
Vice Mayor Clayton Lopez	_____
Commissioner Lissette Carey	_____
Commissioner Monica Haskell	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Commissioner Donald 'Donie' Lee	_____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK