



MEMORANDUM

Date: June 04, 2025

To: Honorable Mayor and Commissioners

CC: Christina Bervaldi
Director of Finance

From: Lucas Torres-Bull
Procurement Manager

Sponsor: Brian L. Barroso
City Manager

Subject: **File ID 25-3880 - Proposed Amendment to City Ordinance §2-797(4)(a) – Legal Services Engagement**

Introduction

This memorandum is to inform the Mayor and City Commissioners of a proposed ordinance change for the City of Key West that has been developed to allow greater internal control, transparency, accountability, and fiscal responsibility. The suggested ordinance change would allow for changes to the city ordinance 2-797(4)a, as follows:

Old Verbiage - Legal services including paralegal, expert witnesses, appraisal services and court reporters. Prior to engaging legal services estimated to have a cost in excess of \$50,000.00, the city attorney shall notify the City Manager and the City Commission.

Suggested Verbiage - Legal services, to include paralegal, expert witnesses, appraisal services and court reporters. A written and signed contract/agreement is required prior to the engagement of outside counsel. Contract/agreements should include basic provisions, including the basis of procurement, scope and duration of engagement/service. The City Attorney shall provide the City Manager and/or a designated representative with a fully executed copy of the contract/agreement. Prior to engaging legal services estimated to have a cost in excess of \$50,000.00, the City Attorney shall notify the City Manager and the City Commission.

Background

This memorandum is to inform the Mayor and City Commission of a proposed amendment to City Ordinance Section 2-797(4)(a). The proposed change is intended to enhance internal controls, transparency, accountability, and fiscal responsibility in the engagement of outside legal services.

Currently, the ordinance requires notification to the City Manager and City Commission prior to engaging legal services estimated to exceed \$50,000. The proposed amendment strengthens this process by requiring a written and signed contract/agreement for all legal service engagements, regardless of cost, and includes minimum standards for contract content and distribution.

Cost

There is no direct cost associated with adopting this ordinance amendment. The implementation may marginally increase administrative effort due to the requirement for executed contracts for all legal service engagements, but it is expected to result in better cost control and oversight in the long term.

Procurement

This ordinance change applies specifically to the procurement and management of legal services. By formalizing contract requirements—including documentation of the basis for procurement and defined scopes of work—the City will ensure all legal engagements are supported by clear, enforceable agreements and maintain audit-ready records. This aligns with best practices in public procurement and risk management.

Recommendation

Staff recommends the Mayor and City Commission approve the proposed ordinance amending Section 2-797(4)(a) of the City Code. This change will formalize documentation standards for legal services and enhance transparency, consistency, and oversight in City contracting practices.

Options

1. **Approve** the proposed ordinance amendment to strengthen documentation and oversight of legal services.
2. **Deny** the proposed ordinance amendment and maintain the current requirements under Section 2-797(4)(a), which do not require a formal written agreement for all legal services.

Attachments:

Ordinance