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**To:** The Honorable Mayor and City Commission

**Date:** July 13, 2023

**From:** Albert P. Childress  
City Manager

A handwritten signature in blue ink, consisting of the letters "APC" inside a blue oval.

**Subject:** Lobbying Regulated -Ordinance

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## Introduction

The City Manager's Office recently became aware that the City of Key West does not have any regulations with respect to former city employees or city officials from lobbying before a City Board or any City Authority.

## Background

On Saturday, June 17, 2023, an article appeared in the Key West News written by Ted Lund with respect to the former City Attorney, Shawn Smith appearing before the Planning Board representing a private client. Monroe County, under Section 2-149 prohibits former County Employees and Public Officials from appearing before County Commissioners, Advisory Boards, and Authorities for 2 years. The Ordinance was adopted in 1979 and revised in 1990. Miami-Dade County has a similar ordinance that is county-wide applying to any municipal employee. A review of the City of Key West City Code revealed that the City does not have any similar code. The closest regulation is in Florida Statue 112.313 (8) that prohibits a former City Attorney from using essentially privileged information for his or her financial gain. Also, Florida Statue prohibits current City Attorneys from representing private clients to which the Attorney provides legal services.

Employees who leave government and then work as a lobbyist is commonly referred to a "Revolving Door". The term "Revolving Door" in ethics regulation refers to situations in which a public official or employee leaves or sets aside their public position to represent their own, or other, private interest before the same government. Many Codes of Ethics includes provisions that regulate some activities of public officials and employees after they have left state or municipal service, or during their public service while simultaneously representing their own or someone else's private interest before their own agency.

In general, the purpose of a "Revolving Door" Policy is to prevent government employees and public officials from unfairly profiting from or otherwise trading the contracts, associations, and special knowledge that acquired during the tenure as public servants. With that in mind, with the Assistance of the City Attorney's Office, an Ordinance was drafted that is similar to Monroe County's Ordinance in that employees, public officials would be prohibited for two (2) years from appearing before any Board or Authority.

In light of the recent events and to prevent the appearance of any impropriety, the attached ordinance was drafted with the Assistance of the City Attorney. The City Manager's Office respectfully requests that the Mayor and City Commission approve the Ordinance on first reading.

**Recommendation**

The City Manager's Office respectfully requests that the Mayor and City Commission approve the Ordinance on first reading and schedule a second and final Public Hearing of the Ordinance.