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THE CITY OF KEY WEST

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MEMORANDUM

To: Mayor and City Commissioners

From: Kendal Harden, Interim City Attorney

Date: August 6, 2025

RE: Amendments to Section 2-773 of the Cone of Silence Ordinance

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The attached amendments to Section 2-773, Cone of Silence of the Code of Ordinances of the City of Key West, focuses on clarifying the permitted written communications between vendors and city employees, officials or members of the city commission. These changes are designed to address previous ambiguities and ensure consistent interpretation and application of the ordinance, thereby reinforcing the city's commitment to transparency and fair procurement practices.

Specific Amendments

The amendments to Section 2-773(c)(1) and (2) specifically clarify the types of written communications that are permitted and when communications need to be published on the agenda. The previous language of the ordinance was vague, leading to varied interpretations and inconsistent application. This lack of clarity hindered the efficient awarding of proposals. By requiring that all written communications with vendors be filed with the city clerk, the amendments promote transparency and efficiency in the procurement process. This ensures that all stakeholders have access to the same information, thereby reducing the potential for undue influence or improper communications.

The amendments aim to maintain the ethical purpose of the Cone of Silence ordinance while allowing for clearly defined and appropriate communication.

Conclusion

By clarifying the rules surrounding written communications, the city aims to ensure that all parties involved in the procurement process operate under a clear and consistent framework.