Sam Kaufman
City Commissioner
District 2

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October 5, 2025

To: Kendal Harden, Interim City Attorney
Subject: Legal Review and Potential Amendments – Water Quality Monitoring Program (RFP #25-020), Item #29 – City Commission agenda October 9, 2025

Dear Ms. Harden,

I respectfully request your review of several issues related to the proposed award of RFP #25-020 – Water Quality Monitoring Program and the City's compliance with Chapter 80 of the City Code. As water quality is a matter of vital importance to our residents, our economy, and the future of Key West, I believe the City should ensure the strongest possible standards and legal clarity before execution of the final contract.

The concerns raised by community advocates, including the Last Stand organization, and my own review of the item suggest that the contract and program specifications should explicitly ensure:

1. Full compliance with Chapter 80 of the City Code, including mandated testing and data collection in the Key West shipping channel, particularly for turbidity levels and ballast water impacts associated with cruise ship operations.
2. Coordination with the Florida Department of Health, to complement — not duplicate — the existing beach water quality monitoring program, ensuring efficient use of resources and consistent reporting of results.
3. Collaboration with the College of the Florida Keys for comparative analysis, data sharing, and academic review to enhance scientific credibility.
4. A long-term objective of gathering reliable data to inform policy decisions related to the City's wastewater utility, stormwater system, and the management of the closed landfill site commonly known as *Mount Trashmore*.

Given the substantial public interest and the clear mandate in Chapter 80, I would like your office to review whether the proposed contract scope sufficiently reflects these requirements and whether amendments or additional contractual language may be warranted to ensure compliance and accountability.

Additionally, I ask that you consider preparing potential amendments or recommended revisions to strengthen the City's legal and policy position on these issues, including:

- Requiring enforceable monitoring and reporting standards consistent with state and federal turbidity criteria (F.A.C. 62-302.530).
- Establishing coordination protocols with other agencies and institutions.
- Ensuring the vendor's obligations are clear, measurable, and aligned with the City's environmental and legal responsibilities.
- Including as a deliverable in the negotiated contract that the selected vendor provide quarterly updates to the City Commission summarizing collected data, analysis, and policy recommendations based on identified trends. This will help ensure transparency, ongoing evaluation, and actionable insight for future City policy decisions.

Your written recommendations would be valuable in guiding the Commission toward a resolution that is both compliant and responsive to our community's environmental priorities.

Thank you for your attention to this matter and for your continued service to the City.

Sincerely,
Sam Kaufman
City Commissioner, District II