

Keri O'Brien

From: Keri O'Brien
Sent: Monday, June 1, 2026 8:27 AM
To: Keri O'Brien
Subject: FW: Grand Jury Recommendations regarding Planning Board.

From: Michael Browning <mbrowning@newmoonmgmt.com>
Sent: Saturday, May 30, 2026 11:25 AM
To: City Manager <citymanager@cityofkeywest-fl.gov>
Cc: Peter E. Batty Jr. <peter@uaigkw.com>; Michael Browning <mbrowning@newmoonmgmt.com>
Subject: [EXTERNAL] Grand Jury Recommendations regarding Planning Board.
Importance: High

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Dear Mr. Barroso,

I was in and out of town quite a bit since the commission meeting where the Grand Jury Report was reviewed. With 3 minutes allotted, it is a little difficult to touch on all the thoughts thus this email.

I have no comments on the management of the city: my remarks are limited to the only two areas which I think you might want to review with Planning and Legal.

The first is the Grand Jury Recommendations regarding ex-parte communications, etc. It was obvious from the City Attorney's comments that that suggestion was illegal. Having said that, my training was so many years ago I could not tell you what was reviewed, but I certainly understand the difference between when one can discuss legislation v. ex parte communications regarding quasi-judicial proceedings. What the report did not even mention is Sunshine Law limits. I know that the City Attorney has training in place to cover those items but perhaps a review might help to assure new members understand the concepts. Further, every now and then the City Attorney at the time would review some of these things at a Planning Board Meeting kind of like a refresher. It might be a good policy to perhaps every year take 10 minutes at a meeting for a tune up. One last comment regarding this section was the Association recommended for 4 hours training. That is a private company, it has no official standings and there exists no regulatory agency requiring specific training or certification for planners. In fact, that company caters to professional planners, not Planning Boards. While undoubtedly the Grand Jury meant well, their recommendation is flawed.

The second area that I might recommend is that Planning thoroughly go over with new members what it is exactly that the Planning Board does. As you are aware, in the Land Development Regulations, Article II Sections 90-51 through 90-68 governs the establishment and functions of the Planning Board. Again, I have been on the board so long I forget what training new members get and perhaps the current staff provides sufficient training. Specifically, section 90-55 provides the functions and powers of the Board. I have found some members in the past really did not understand the powers and limitations set forth in that section. In fact, long before the current staff and attorney, I would on occasion get an item on the

agenda to review this section with the board to remind them of our duties. As with the legal implications I addressed above, perhaps a tune up every year for 10 minutes would achieve that.

In closing, I believe you are aware I try and stay out of the political machinations with all this, but from my limited view as a Planning Board member, I find the current staff at Planning and Legal accessible and helpful when asked.

Michael

Michael L. Browning
New Moon Management Group, LLC
1128 Simonton Street
Key West, FL 33040
305-304-9072
mbrowning@newmoonmgmt.com

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