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I just want to clarify for our whole audience that counsel is there to protect, justify, and defend the DRBC not to protect and defend the public.

The proposal is an insult to the people of the Delaware Basin. The proposal excises references to FOIA as simple misprints without, without replacing them with comparable practices and procedures. This turns off the flashlight of public inspection, leaving the public in the dark. Reference to FOIA was there for a reason initially. Elected and appointed officials cannot be accountable, countered upon on their own. To do what is in the public interest. They need to be held accountable on the basis of public evidence of their proceedings. This proposal drives a stake into the spirit and purpose of FOIA and sunshine laws. Without such laws or comparable practices of procedures, the Commissioners are free to act without accountability. If this proposal is enacted without commensurate information access rules, the public is left to face a stone wall of darkness.

Per section 401.101, the Commission is free to keep the public totally in the dark in order to satisfy their perceived “need for the Commission to promote frank internal policy deliberations.” Frankly, I cannot think of better wording to define back-room politics. And if they are able to do these frank deliberations “without disruption” from the pesky public. More chilling, per section for 401.115(a), “the Executive Director may, in his discretion, disclose part or all of any commission record.” He or she can do whatever he or she wishes, guided only by a personalistic perception of the public interest. Situations that deliberately exclude the public itself. That is an absurdity. I call on each individual Commissioner to enact explicit practices and procedures along the same lines as the revered FOIA and the sunshine laws of their states. Thank you.