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Wakulla Springs Alliance

"Protecting and restoring water quality, spring flow and ecological health of Wakulla Spring"

December 9, 2021

Dear Commissioner _____:

The Wakulla Springs Alliance greatly appreciates the City Commission's efforts to adopt enhanced transparency policies for new and amended FDEP consent orders concerning sanitary sewer overflows. We all agree good government can only function with a well-informed commission and its citizens. Having the City Commission address transparency issues and how to improve them is a positive step.

The Alliance Board has reviewed the policies the Commission adopted on November 10, 2021, and wishes to suggest some changes to ensure that our city's transparency policies are clear and that information is easily accessible to the public.

In our earlier letter to you, dated August 30, 2021, we recommended that all new or amended DEP consent orders (COs) concerning sanitary sewer overflows be included on the Commission's consent agenda. Section 3 of the policy adopted on November 10 states that "The City Commission will be notified of a pending CO." As stated, this policy lacks specificity as to who is responsible to do it, how it should be done, and when it should be done. City Attorney Cassandra Jackson has clarified that such notice will be provided to the Commission prior to a CO's execution. We urge you to amend Section 3 to indicate that this will be accomplished by placing the notice on the Commission's consent agenda. Doing so will guarantee a means for concerned citizens to be informed of the impending action. We also urge you to amend Section 3 to cover CO amendments as well as new COs so that citizens will be aware of impending changes.

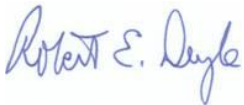
In our August 30 letter, the WSA Board also recommended that all CO status reports to FDEP be placed on the Commission's consent agenda. Section 4 of the November 10 policy states only that "Periodic updates on the status of FDEP COs shall be provided . . . as appropriate." As for new and amended COs, we recommended that all status reports be placed on the consent agenda not only to assure that the City Commission is aware of where the city stands in meeting its obligations under a CO but also so that citizens will have a means of being so informed.

While we did not speak to providing public information about COs through news media in our August 30 letter, we are pleased that you have addressed this in Section 1 of the November 10 policy. We urge you, however, to go beyond simply filing official legal notices. Few citizens read these on a regular basis and any who do will learn very little. If you share our desire for a well-informed citizenry, you will no doubt appreciate that a legal notice will not suffice to apprise the public about the nature of a consent order and how it will be implemented.

Likewise, we did not previously address transparency concerning execution of COs in our August 30 letter. We commend you for doing so in Section 5 of the policy adopted on November 10, but we wish to point out that referencing Commission Policy #116 provides little insight to the public. We urge you to supplement that statement to reflect City Attorney Cassandra Jackson's recent clarification concerning Section 5, namely that the City Attorney's determination of the appropriate signatory would be based on the type of Consent Order and the severity of the violation, assessed penalties, and scope of corrective actions, if any.

Compliance of the city with vague policy statements is not an end point. Our common desire is to have a well-informed citizenry. This requires a clear and easily accessible transparency policy and reasonable ease of access to information. At present, the ability for citizens to find information about sanitary sewer overflows and consent orders is challenging and difficult. Staff has told us that information on the current sanitary sewer overflow consent order is posted on the city's website. Attempts to find that using the search function yield nothing relevant. Nor is there any mention of it on the Wastewater Services web page. Improving transparency in this area is a significant issue for the Alliance. We hope that you will consider these additional recommendations as we all strive to strengthen the city's transparency policies and make access to information easier for citizens.

Sincerely,

A handwritten signature in blue ink that reads "Robert E. Deyle". The signature is written in a cursive, slightly slanted style.

Robert E. Deyle, Chair

cc: City Manager Reese Goad
Cassandra Jackson, City Attorney