

DENVER BOARD OF WATER COMMISSIONERS

Board Item: II-A-13

Meeting Date: March 12, 2014

**Amendment to Chapter 17 of the Operating Rules
Regarding Appeal Hearing Procedures**

Action by Consent

Action

Information

On June 13, 2007, the Board adopted Chapter 17 of the Operating Rules, which established a hearing and appeal process to resolve disputes under many of Denver Water’s contracts. The process described in the Rule anticipated a limited exchange of information and discovery in connection with a hearing, in order to facilitate simpler, quicker resolution of contract disputes.

Since that time, the hearing process has been applied to two construction contract disputes, each with a different appointed hearing officer. In those two proceedings, some gaps in the Rule became apparent. Denver Water legal staff has received comments about the Rule from outside counsel and from both of the hearing officers. Additionally, the hearing rules used by the City of Denver’s Department of Aviation, on which Chapter 17 is patterned, were recently revised.

Legal staff has incorporated suggestions from all these sources to develop the proposed revised Operating Rule 17.04.4.

Recommendation:

It is recommended that the Board adopt the proposed revisions to Operating Rule 17.04.4 shown in the attachment.

Approvals:

Respectfully submitted,



General Counsel



James S. Lochhead
CEO/Manager