

III. POLICY MATTERS

A. 2020 Bond Issuance	Robyn Moore	20 minutes
B. Youth Corps Update	Scott Segerstrom	10 minutes
C. Supplier Diversity Update	Aleah Menefee	10 minutes

IV. EXECUTIVE UPDATE

- A. CEO Update
- B. CFO Update
- C. Operations Update

V. BRIEFING PAPERS & REPORTS

- A. Briefing Paper
 - 1. Legislative Update
- B. Report

VI. ADJOURNMENT

VII. TRUSTEE MATTERS

VIII. EXECUTIVE SESSION

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

- A. Confidential Report

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 11, 2020

Board Item: II-A-3

Fifth Amendment for Time and Maintenance Services Contract 500524

Action by Consent

Individual Action

Purpose and Background:

Contract 500524 with Dice Communications, Inc. was entered into in 2011 to provide technical support and software maintenance for Denver Water's Alcatel-Lucent Omni/PBX Enterprise Communications System. Originally, Tera Telecom was designated as the reseller assigned by Alcatel-Lucent, and when they went out of business, Denver Water was given the choice of three resellers. Dice Communications, Inc. was selected as Denver Water's sole source business partner for Alcatel-Lucent products. Contract 500524 has been amended every year since to extend the contract and provide additional funds.

This amendment extends the contract through December 31, 2022, adds \$221,400, and provides the time necessary to determine actual business requirements, procure, and implement a new replacement for the Enterprise Communications System. Denver Water's IT Network Services team will gather telecommunications business requirements and develop a request for proposal for a new system in 2020, with an intended implementation in 2021/2022.

Budget and Schedule:

The proposed amendment brings the total amount of this contract to \$528,451 and extends the term of the contract from April 26, 2011 to December 31, 2022. Funds for this contract will come from the 2020 approved budget of the Information Technology Network Services business unit, which has enough to fund the \$73,800 estimate that will be needed in 2020. The remaining \$147,600 will be budgeted in the years 2021 and 2022.

Selection of Business Partner:

Dice Communications, Inc. is the certified Alcatel-Lucent phone system reseller and service provider with which Denver Water has contracted with since April 2011. Alcatel-Lucent products, software maintenance, and support can only be purchased through providers certified and referred to customers directly from Alcatel-Lucent. Denver Water reviewed the three referred providers in 2011 for reliability and financial stability. After review, Dice Communications, Inc. was selected as Denver Water's approved reseller for Alcatel-Lucent products. Alcatel-Lucent approved a customer's change to contract with another vendor as not all vendors are certified on this product. Denver Water has been satisfied with the service Dice Communications, Inc. has provided, including the handling of our phone system upgrades, on-site service of all the phone system issues, and ensuring all software updates are implemented correctly.

S/MWBE Information:

Small/Minority and Women-owned Business Enterprise goals are not applicable for this item.

Recommendation:

It is recommended that the Board approve the Fifth Amendment to Contract 500524 with Dice Communications Inc. for time and maintenance services for an extension of the contract period through December 31, 2022 and for an addition of \$221,400 for a total amended contract amount not to exceed \$528,451.

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DENVER BOARD OF WATER COMMISSIONERS

Approvals:

- James S. Lochhead, CEO/Manager
- Julie Anderson, Chief of Staff
- Jessica R. Brody, General Counsel
- Angela C. Bricmont, Chief Financial Officer

- Brian D. Good, Chief Administrative Officer
- Mike King, Chief External Affairs Officer
- Robert J. Mahoney, Chief Engineering Officer
- Thomas J. Roode, Chief Operations Officer

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 11, 2020

Board Item: II-A-4

Crowell & Moring LLP Contract 504398

Action by Consent

Individual Action

Purpose and Background:

The Office of General Counsel seeks to enter into a contract with Crowell & Moring LLP to provide expertise and representation in the area of environmental litigation for the Gross Reservoir Expansion Project. Following recent staffing changes at the law firm that has been supporting Denver Water in this matter, the Office of General Counsel determined that Crowell & Moring would be best suited to assist with the litigation going forward due to their team's depth of experience in complex, federal environmental litigation.

Budget and Schedule:

The total amount of this contract is \$500,000, and the term of the contract is March 11, 2020 through the conclusion of the litigation. Funds for this contract will come from the 2020 budget for the Office of General Counsel, which has sufficient funds to pay the \$400,000 estimated to be needed in 2020. The remaining \$100,000 will be budgeted in the years 2021 and beyond.

Selection of Business Partner:

In September 2018, Denver Water issued a request for proposals (RFP) to provide legal services related to Denver Water's Clean Water Act, Section 404 permit for the Gross Reservoir Expansion Project which was distributed to law firms with environmental litigation expertise and to Colorado minority bar associations. Due to staffing changes at the law firm previously selected for this matter, the Office of General Counsel solicited proposals from additional law firms with relevant expertise. Crowell & Moring, LLP was selected based on relevant experience and qualifications of the lead attorneys, billing rate, and absence of any apparent conflict of interest.

S/MWBE Information:

S/MWBE is not applicable for this item.

Recommendation:

It is recommended that the Board approve Contract 504398 with Crowell & Moring LLP for Gross Reservoir Expansion Project for the contract period of March 11, 2020 through resolution of litigation concerning the project for a total contract amount not to exceed \$500,000.

Approvals:

- | | |
|---|---|
| <input checked="" type="checkbox"/> James S. Lochhead, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Mike King, Chief External Affairs Officer |
| <input checked="" type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Financial Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 11, 2020

Board Item: II-B-1

Revisions to the Operating Rules

Action by Consent

Individual Action

Purpose and Background:

Denver Water staff periodically reviews Denver Water Operating Rules to ensure the necessary business rules are consistent and provide guidelines in which to conduct daily business activities. A few of the proposed changes will also align processes as the Accelerated Lead Service Line Replacement Program activities begin. A team of employees from Sales Administration, Customer Care, Finance, and the Office of General Counsel collaborated on the revisions.

The proposed revisions have been reviewed and approved by Denver Water's distributors.

The following summary outlines the non-substantive revisions being recommended, with the exception of #5, which is an addition to the Rules:

1. Revise "Service Charge" to "Fixed Monthly Charge" for consistency in terms and to match verbiage on customers' water bills.
2. Revise Rule 2.07.6 SDC Credits When Water Service Modified. We recommend wording to clarify that when redevelopment occurs, System Development Charges (SDCs) will be required when there is any increase in demand as a result of the redevelopment.
3. Revise 2.11.3 (c) to replace term "reinstatement" with "reactivation" for consistency with terms in the Operating Rules.
4. Revise 2.12.2 (e) to clarify for staff and customers that after 5 years of inactivity, a new License (as defined in the Operating Rules) and payment of SDCs is required to establish water service. While Denver Water has the authority to deactivate a License due to inactivity, there is currently no timeframe stated in the Rules that specifies the length of inactivity. This detail will clarify interpretation of the Rule.
5. Add Rule 6.04.6 Disputed Charges. This adds a provision to limit the amount of time in which customers can challenge charges or rates to 1 year. No previous limitations have been established and this will align with Denver Ordinances regarding utility billing.
6. Revise 9.02.3 for consistency with proposed changes that once a tap is cut, a new License is required.

Recommendation:

It is recommended that the Board approve the revisions to the Operating Rules outlined in the attachment.

Approvals:

- James S. Lochhead, CEO/Manager
- Julie Anderson, Chief of Staff
- Jessica R. Brody, General Counsel
- Angela C. Bricmont, Chief Financial Officer

- Brian D. Good, Chief Administrative Officer
- Mike King, Chief External Affairs Officer
- Robert J. Mahoney, Chief Engineering Officer
- Thomas J. Roode, Chief Operations Officer

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DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: March 11, 2020

Board Item: V-A-1

Briefing Paper for Legislative Update

Strategic Plan Alignment

Lenses: Customer Centric Industry Leader Long-Term View
Denver Water's Strategic Plan calls for an organization with satisfied and supportive customers and strategically effective relationships to enhance our trusted reputation. Part of that effort is fostering strong relationships with community leaders as well as government officials at local, regional, state and national levels. Our work at the Colorado Legislature supports our role as a thought leader and allows us to impact policy and regulatory matters that affect the organization.

Summary

As of the drafting of this paper there are 519 bills that have been introduced in the legislature with 68 days to go in the legislative session. Denver Water's interest in legislation currently breaks down as follows:

- Tracking 34 bills.
- Supporting six bills.
- Amending one bill.
- Opposing four bills.

This briefing paper provides updates on two new bills on which we recommend taking positions.

Attached to this paper is a summary table of all the bills we are tracking.

Background

Recommendations on bills:

HB20-1287 Colorado Rights Act: In essence, the bill creates a new statutory tort claim based on a public entity's alleged violations of the Colorado Constitution. The claim would not be subject to the damage caps and other limitations of the Colorado Governmental Immunity Act. The bill also would deprive the public entity of defenses based on qualified immunity and other defenses available to defend against federal constitutional tort claims. The bill has the potential to result in costly and duplicative litigation. It is anticipated that the Colorado Municipal League will strongly oppose this bill, as will a significant number of law enforcement agencies and other state, county and local governmental entities. Denver Water will join in their opposition. **Recommendation: OPPOSE.**

HB20-1233 Basic Life Functions in Public Spaces: (Note: I provided you with an oral update on this bill at your last meeting. This bill was very similar to the "Right to Rest" bill from 2019 and it was postponed indefinitely in committee the afternoon of February 26, 2020.)

Budget N/A

Alternatives N/A

Approach N/A

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Owner(s) External Affairs

Attachments Summary Table of 2020 Legislation

Respectfully submitted,

Chris Piper, State Affairs Manager

Mike King, Division Chief