



Detroit Water and Sewerage Department

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Legislation Details (With Text)

File #: 16-0118 **Version:** 1 **Name:**

Type: Resolution, BOWC **Status:** Approved

In control: Office of the General Counsel

On agenda: 8/3/2016 **Final action:** 8/3/2016

Title: The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to approve City of Detroit Department of Administrative Hearings magistrates Delores Hall and Anthony Jackson to serve as DWSD hearing officers to hear and adjudicate DWSD customer dispute appeals, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Indexes: Finance Committee

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
8/3/2016	1	Board of Water Commissioners	approved	Pass
8/2/2016	1	Customer Service Committee	recommended for approval	Pass

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve City of Detroit Department of Administrative Hearings magistrates Delores Hall and Anthony Jackson to serve as DWSD hearing officers to hear and adjudicate DWSD customer dispute appeals**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

Agenda of August 3, 2016 Item No. 16-0118

TO: The Honorable
Board of Water Commissioners
City of Detroit, Michigan

FROM: Gary Brown, Director
Water and Sewerage Department

RE: **Appointment of Hearing Officers for DWSD Customer Appeals**

MOTION

Upon recommendation of Richard Sulaka, General Counsel, the Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve City of Detroit Department of Administrative Hearings magistrates Delores Hall and Anthony Jackson to serve as DWSD hearing officers to hear and adjudicate DWSD customer dispute appeals**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

BACKGROUND

Rule 14 of DWSD's Collection Rules and Procedures requires that the Board of Water Commissioners approve

Hearing Officers to adjudicate customer billing dispute appeals. Since approximately 2007, attorney John D. Simpson heard and adjudicated DWSD customer dispute appeals pursuant to a DWSD contract. DWSD is in the process of moving all customer dispute appeals to the City of Detroit Department of Administrative Hearings (“DAH”). DWSD and DAH will be presenting changes to Section 8.5-3-2 of the Detroit City Code, which establishes the jurisdiction of the DAH, to include DWSD customer dispute appeals, for approval by the Detroit City Council in September 2016. Meanwhile, Mr. Simpson’s contract to hear DWSD appeals has expired. Therefore, as an interim measure and until the hearings are moved to the DAH, the DAH has offered to loan its hearing officers to come to the DWSD main office building to hear any pending appeals until the ordinance has been amended to fully grant the DAH jurisdiction to hear DWSD customer dispute appeals.

The DAH magistrates are scheduled to be trained on DWSD disputes, policies, rules, City of Detroit ordinances, and applicable state statutes during the week of August 1, 2016. Both magistrates are seasoned attorneys with significant legal experience in the public sector. Copies of the magistrates’ resumes are attached.

JUSTIFICATION

Pursuant to Rule 14 of the DWSD Collection Rules and Procedures, the Board of Water Commissioners is to approve DWSD Hearing Officers. The DAH magistrates are being trained to hear and adjudicate DWSD customer dispute appeals for their eventual move to the DAH in September 2016. Because the previous DWSD hearing officer’s contract expired, it is recommended that the Board of Water Commissioners approve the DAH magistrates to come to DWSD and hear any pending appeals.