

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

October 23, 2015

Record of Proceedings

Notice of this meeting was provided pursuant to the Colorado Open Meetings Law, § 24-6-402, C.R.S.

CONVENE

The meeting of the Child Protection Ombudsman Board was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, Conference Room 1F, Denver, Colorado 80202 at 1:05 PM by Chairman Ken Plotz.

A quorum of the Board was present.

PRESENT AT THE MEETING

Board Members

Chairman Ken Plotz

Vice-Chairwoman Ginny Riley

Victoria Black*

Sarie Ates-Patterson*

Jose Mondragon

**participated via telephone*

The Honorable Charles Greenacre*

Pax Moultrie

Peg Rudden

George Kennedy*

Others Present

Terry Scanlon, Office of the State Court Administrator

Sueanna Johnson, Asst. Atty. General

Sabrina Byrnes, Office of the Child Protection Ombudsman

AGENDA/DISCUSSION

Approval of minutes

Mr. Mondragon made a motion to approve the minutes as amended. Vice-Chairwoman Riley seconded the motion. The motion was approved unanimously.

Review of the MOU with State DHS and OCPO

Mr. Greenacre made a motion to meet in executive session to discuss the Memorandum of Understanding with the Colorado Department of Human Services. Vice-Chairwoman Riley seconded the motion. The motion was approved unanimously.

Executive Session was held to discuss attorney-client privileged advice regarding the Memorandum of Understanding between CDHS and OCPO

The Executive Session was recorded in compliance with § 24-6-402(2)(d.5)(I)(A), C.R.S.

Return to Open Meeting

At 2:48 PM, Chairman Plotz returned the meeting to open session.

Discussion regarding the Term of the MOU

A motion was made by Mr. Mondragon that unless there is a compelling reason to keep “August 20, 2020” date in the Term section of the MOU, it shall be deleted. The motion was seconded by Mr. Greenacre. The motion passed unanimously.

Discussion regarding Section 3.2

A motion was made by Mr. Greenacre to amend Paragraph 3.2 prior to the phrase “to discuss” and to insert “the Ombudsman or his/her designee shall meet with the executive director of CDHS or his/her designee not less than every two months” and on paragraph 4.1 before the term “to discuss” insert “the executive director of CDHS and his/her designee may meet with the Ombudsman and his/her designee at a not less than every two months.” The motion was seconded by Ms. Moultrie. The motion passed unanimously.

Discussion regarding Section 3.3

A motion was made by Vice-Chairwoman Riley to amend section 3.3 to add language “independently and impartially review and/or investigate and seek resolution to the ...” Mr. Mondragon seconded the motion. The motion carried with an 8-1 vote with Mr. Kennedy voting against.

Discussion regarding Section 3.7¹

A motion was made by Ms. Rudden to delete Section 3.7. Ms. Patterson seconded the motion. The motion passed unanimously.

¹ Please be aware that because of the deletion of Section 3.7, the fully executed MOU with CDHS and OCPO that was executed on October 30, 2015 is re-numbered from this point forward with respect to Section 3. The discussion of the Board concerning Section 3.8, for example, appears as Section 3.7 in the fully executed MOU.

Discussion regarding Section 3.8

A motion was made by Mr. Mondragon to delete the phrase “when requested.” Vice-chairwoman Riley seconded the motion. The motion passed unanimously.

Discussion regarding Section 3.11

A motion was made by Mr. Kennedy to authorize the Chairman and legal counsel to enter into discussions with CDHS to determine language that would ensure that provision in Section 3.11 of the MOU is in compliance with state law. The motion was seconded by Ms. Rudden. The motion passed unanimously.

Discussion regarding Section 3.14

A motion was made by Ms. Rudden to delete the term “sub” prior to “contractors” in Section 3.14. The motion was seconded by Mr. Kennedy. The motion passed unanimously.

Discussion regarding section 3.15

There was discussion to amend Section 3.15 with a motion to made by Vice-chairwoman Riley to insert certain language at the end 3.15. The motion was seconded by Ms. Rudden. The motion carried with a vote of 8-1 with Mr. Kennedy voting against. After further discussion, the Board voted to delete the amendment and keep the language as proposed by CDHS.

Discussion regarding Section 3.17

After some discussion, there was a decision to not amend this section.

Discussion regarding Section 3.19

A motion was made by Ms. Black to change the word “shall” to “may.” Ms. Patterson seconded. The motion failed by a vote of 3-5 with Mr. Kennedy, Ms. Moultrie, Mr. Mondragon, Ms. Rudden, and Vice-Chairwoman Riley voting against. The Chair did not vote.

Discussion regarding Section 3.20

After some discussion there was a decision to not amend this section.

Discussion regarding Section 3.22

Vice-Chairwoman Riley made a motion to insert language “of findings or recommendations” after the phrase “final report” and insert after “report” the letter “(s)”. The motion was seconded by Mr. Mondragon. The motion passed unanimously.

Discussion regarding Section 4.4

After some discussion, there was a decision to not amend this section.

Discussion regarding Section 4.5

After some discussion, there was a decision to not amend this section.

Discussion on section 4.6

A motion was made by Vice-Chairwoman Riley to insert after "approval" the phrase "or denial". The motion was seconded by Ms. Moultrie. The motion was approved unanimously.

Discussion about delegation of authority to finalize MOU

A motion was made by Vice-Chairwoman Riley to delegate to Chairman Plotz the authority to approve non-substantive changes to the MOU and approve and sign the MOU, or to call an emergency meeting of the Board if additional changes made by CDHS were considered substantive. The motion was seconded by Ms. Rudden. The motion was approved unanimously.

Board Training: The Legal and Ethical Obligations of Board members

At 4:12 PM, Chainman Plotz requested a motion to enter executive session to enter for purposes of seeking attorney-client privileged advice and information on compliance with the Open Meetings Law, the Open Records Act and the ethical obligations of Board Members. The motion to enter executive session was made by Ms. Rudden. The motion was seconded by Vice-Chairwoman Riley. The motion passed unanimously.

**Executive Session was held to discuss attorney-client privilege advice
Regarding the Open Meetings Law, the Open Records Act, and the
Ethical Obligations of Board Members**

The Executive Session was recorded in compliance with § 24-6-402(2)(d.5)(I)(A), C.R.S.

Return to Open Meeting

At 5:06 PM, Chairman Plotz returned the meeting to open session.

The Board adjourned at 5:07 p.m.

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ATTESTATION

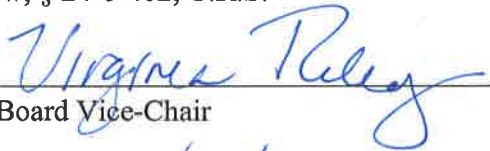
As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting of the Colorado Child Protection Ombudsman Board on October 23, 2015 substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Board and in compliance with the Open Meetings Law, § 24-6-402, C.R.S.



Board Chair

11/10/15

Date



Board Vice-Chair

11/10/15

Date