

COLORADO OFFICE OF THE PUBLIC GUARDIANSHIP COMMISSION

**PUBLIC MEETING
December 11, 2017**

Record of Proceedings

CONVENE

The meeting of the Colorado Office of the Public Guardianship Commission was convened in the Ralph L. Carr Judicial Center, 1300 Broadway, Conference Room 1B, Denver, Colorado 80202 at 11:05 AM by Commission Chair Shari Caton.

A quorum of the Board was present.

Board Members Present

Shari Caton, Chair
Marco Chayet
Karen Kelley*

Kelsey Lesco
Deb Bennett-Woods, Vice-Chair

Others Present

Sherry Stwalley, Office of the State Court Administrator
Sueanna Johnson, Office of the Attorney General

Present from the Public

Amy Redfern, Colorado Bar Association
Jeremy Schupbach, Colorado Bar Association

** Participated by telephone*

AGENDA ITEMS

I. Approval of the Minutes

Commissioner Lesco moved to approve the minutes from the November 20, 2017 meeting. Commissioner Chayet seconded the motion. The motion was approved unanimously.

II. Discussion of Public Comment Policy

The Commission reviewed the drafted Public Comment Policy. There were no amendments or other discussion, as the draft reflected the policy previously agreed by the Commission. Vice-Chair Bennett-Woods motioned to approve the written Public Comment Policy. Commissioner Chayet seconded the motion. The motion was approved unanimously.

III. Update on Potential Meeting with Representative Young

Vice-Chair Bennett-Woods updated the Commission about her brief meeting with Representative Young. A meeting with Representative Young is scheduled for December 21, 2017 at 8:00 AM. Representative Young had concerns about the budget amendment and other challenges relating to the fundraising efforts of the Commission. Representative Young was also interested in the bill drafters, Senator Lundberg (the bill sponsor in the Senate), Ms. Redfern, Commission members, and representatives from the AG's Office and the SCAO attend the meeting.

AAG Johnson indicated that the AG's Office does not typically get involved in legislative efforts of the agencies it represents, but that AAG Johnson would notify the AG legislative liaison of the meeting with Representative Young.

Vice-Chair Bennett-Woods would be in attendance, and possibly Commissioner Chayet. The Chair is unavailable to attend. Other Commission members indicated they may be able to attend the meeting if need be.

The Commission had questions and requested information about the following in advance of the meeting with Representative Young:

- The tax deductible status for gifts/donations made to the State;
- The revision of monies held in the cash fund following expiration of the pilot program;
- The necessity of the budget amendment to seek \$300k vs. spending authority once money is raised in the cash fund;
- Whether there is any ability to fundraise or obtain some monies for fundraising efforts (e.g. fundraising materials, meetings, etc.).

Comments were provided by the public attendees, Ms. Stwalley, Mr. Schupbach and Ms. Redfern with some feedback and advice provided by AAG Johnson based on information she had received verbally from various sources. Such discussion included the status of spending authority, potential legislative changes, and ethical considerations regarding Amendment 41 and the Commission's ability to solicit funds generally and as seed money for upfront administrative costs.

The Commission requested SCAO staff, AG staff and CBA representatives to meet prior to the January board meeting and bring a recommendation to the Board. Ms. Stwalley agreed to coordinate this meeting and thought it might be best to meet even prior to the December 21st meeting with Representative Young. Topics to be discussed will include:

- Status of spending authority for this and the upcoming fiscal year
- Whether the \$1.7 million dollar figure in the bill should be considered a threshold to be met before any spending by can occur;
- Tax exempt status of contributions. This group will attempt to obtain an opinion from the State Controller.

The Chair indicated the following assignments for individuals:

- Vice-Chair Bennett-Woods would confirm the location of the meeting with Representative Young and provide that to the Commission.
- Vice-Chair Bennett-Woods would contact Representative Young and determine whether she (or Representative Young) would invite Senator Lundberg.
- AAG Johnson would update the AG legislative liaison concerning the meeting with Representative Young.

Confirmed attendees for the December 21st meeting with Representative Young include: Vice-Chair Deb Bennett Woods; Ms. Redfern, CBA; Mr. Schupbach, CBA; Ms. Stwalley (Court Services, SCAO); Hugh Wilson (Budget Officer, SCAO); and Bill Drafters (Jerry Barry and Richard Sweetman).

IV. Review of By-Laws

AAG Johnson explained certain provisions in the proposed By-Laws. Commission members had a few questions. There were some amendments, which included:

- Provisions were amended for the term and election of the Board Chair, with the Vice-Chair serving as the Chair-Elect. It was suggested that the Chair rotate annually. The Board will vote on a Vice-Chair Elect who will serve as Chairman in the subsequent one year term. First term will expire June 30, 2019 with one year terms subsequent.
- The regular monthly meetings were changed from the second Wednesday of the month to the fourth Wednesday of the month beginning in February 2018 due to scheduling conflicts in the Ralph L. Carr Judicial Building. This is conditional upon Commissioner Lesco checking with her employment to make sure that day can work.
- Minor typographical edits.

Commissioner Chayet motioned to approve the proposed By-Laws as amended by the Commission with delegation to the Chair to finalize with AAG Johnson. Commissioner Lesco seconded the motion. The motion was approved unanimously.

V. Review of Memorandum of Understanding

AAG Johnson explained certain provisions in the proposed Memorandum of Understanding for the Commission. The Commission asked some questions for clarification and had two suggested amendments.

One suggested amendment dealt with whether SCAO could provide temporary email addresses, a physical address, and telephone number for the Commission and its members, and whether if such could be provided, provisions should be included in the MOU. As part of this discussion, the Commission requested that Ms. Stwalley assist with establishing a mailing address and e-mail option for the Office as a temporary measure until a Director and permanent office location are established.

Vice-Chair Bennett-Woods made a motion that AAG Johnson should propose the two potential amendments to the representative of the State Court Administrator's

Office. Commissioner Chayet seconded the motion. The motion was approved unanimously.

VI. Future Meetings

The next scheduled meeting of the Commission is January 12, 2017 at 10 AM to noon.

The Chair indicated that given the meeting with Representative Young, the Commission may meet before January 12th so Commission members should try and remain flexible in the coming weeks.

VII. Adjourn

At 1:30 PM, Commissioner Chayet moved to adjourn. Commissioner Lesco seconded the motion. The meeting was adjourned.

ATTESTATION


As Commission Chair and Commission Vice-Chair, we attest that these minutes of the open public meeting of the Colorado Office of the Public Guardianship Commission substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Commission.



Shari Caton, Commission Chair

1-12-18

Date



Deb Bennett-Woods, Commission Vice-Chair

1-12-18

Date