
Colorado Office of Public Guardianship

Commissioners

Kelsey Lesco, Chair
Karen Kelley, Vice-Chair
Deb Bennett-Woods
Marco Chayet
Alison Zinn



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PUBLIC MEETING December 18, 2019

Record of Proceedings

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph Carr Judicial Building at 1300 Broadway, Conference Room 2B in Denver, Colorado at 10:03 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

Commission Members Present

Deb Bennett-Woods, Chair	Kelsey Lesco, Vice-Chair*
Karen Kelley	Alison Zinn
Marco Chayet*	

OPG Director

Sophia M. Alvarez

Others Present

Connie Lind, State Court Administrator Office
Sueanna Johnson, Office of the Attorney General
Debbie Enck, Office of the Attorney General

Public Attendance

Lara Vandervergh

* Participated by telephone

AGENDA ITEMS

I. Call to Order

The meeting was called to order.

II. Approval of the October 23, 2019 Meeting Minutes

Commissioner Kelley moves to approve the November 21st Meeting Minutes. Commissioner Chayet seconds the motion. Motion passes unanimously.

III. Chair Report (Deb Bennett-Woods)

Chair Bennett-Woods advises her recent activities targeted retaining Vice-Chair Lesco and Commissioner Kelley on the Commission, as their terms ended in November. With the help of Representative Snyder and Judge Leith, their terms were extended.

AAG Johnson advised that the MOU with judicial has been executed and sent out to the Commission.

IV. Director Report (Sophia M. Alvarez)

Director Alvarez distributed her 12/13/19 Director Report for the OPG meeting today.

- a. Infrastructure Update: Director Alvarez advised that the OPG main number has not changed as noted in her Report. It remains 720-865-8632. The upgrades to the Denver Probate Court's phone system was cancelled. New date to be determined.
- b. Budget Update and MOU Update: At the JBC hearing on 12/13/19, Senator Rankin asked if the Office had received any calls for service. The answer was yes. Director Alvarez emailed Mr. Allen for Mr. Allen to forward to Senator Rankin, a list of the individuals that has reached out to the Office, some of which include private attorneys, law enforcement, etc.
- c. Stakeholder Engagement Plan: Director Alvarez informed the Commission that she is still working on the draft and should have one ready to present at the next meeting. Chair Bennett-Woods believes

it is critical to get this right, so she has no concerns regarding waiting until the next meeting to receive this.

d. Colorado OPG Pilot Program Operating Policies Update: discussion including but not limited to:

- Public Guardianship Act (PGA) does not define indigency
- Judicial department forms – JDF 205 and 208 (meeting materials provided)
- C.R.S. 13-16-103
- Chief Justice Directive (CJD) 98-01
- AG’s Office can help regarding this matter

Representative Payee/Fiduciary issue, discussion including but not limited to:

- No need for conservatorship
- OPG not acting as the SSA Representative Payee or VA Fiduciary
- Colorado Funds for People with Disabilities (CFPD) can provide these types of services
- Is OPG paying CFPD or are they being paid out of the persons funds
- If the OPG pays and the amount contracted for is over \$25,000, it would require an RFP process
- Is the Office responsible/liable if they refer DFPD for being the representative payee, should that agency steal/misappropriate funds
- Nursing homes are often willing to be paid for representative payee duties
- AAG Johnson advises she and AAG Enck can assist with this; need to consider a state agency giving preference to one agency over others; liability would need to be looked at; how the contract is structured; procurement; etc.

Intake Eligibilities and Prioritization, discussion including but not limited to:

- The process Director Alvarez envisions is referring party would file an online form through the OPG website, as well as all required documentation
- For some stakeholders such as the Alzheimer’s Association (AA), they cannot act as a referring party, they can only connect an individual with resources such as the OPG
- Ms. Vandervergh asked to speak. Permission given. She advised the Commission that they will miss some indigent family referrals if

they are only allowed to submit via the online – web based, as these families are indigent

- Ms. Alvarez mentioned the possibility of Denver Probate staff who work in the Self Help Center assisting such parties with filings
 - Firewall to protect data
 - Carefully monitor the first 6 months to ensure no one is being missed due to the intake process
- e. Website and Case Management System Update: Data-Gathering Codes discussed. Director Report speaks to Director Alvarez meeting with Revisions regarding the CMS and that she will focus on the data gathering for the 2023 General Assembly Report.
- f. Human Resource Update: discussion including but not limited to:
- 13 public guardian applications received of which 8 individuals will be interviewed this week
 - 13 staff assistant applications received of which 7 individuals will be interviewed this week
 - Goal is to hire by mid-end of January; training in February; and begin taking cases in March
 - SCAO HR will call references and perform background checks
 - Final candidates will also have to provide a credit report
 - Hoping for a CAPS check by Dept. of Human Services, which AAG Johnson is working on and if it is a possibility, what is the cost to OPG, needing an MOU, etc.

V. Discussion and review of Director Personnel Rules (Sueanna Johnson and Deb Bennett-Woods)

A draft Director Personnel Rules was distributed. Discussion included but limited to:

- Standard State Policies; closely modeled after other Commissions; Office of Child Ombudsman, etc.; several different classifications systems exist within the state such as classified employees, at will employees, etc.
- Commission is charged with setting the Personal Policies for the Director

Chair Bennet-Woods discussed and recommended:

- 2.4 Volunteer Activity (e.g., PTA, Community Volunteer, etc.)
- AAG Johnson advised it is broad to ensure things the commission may not have thought about

- 2.5 Political Activities (change the word “implement” in the last paragraph to “conduct”
- AAG Johnson will make the change

Other discussions:

- Timeframe for director evaluations (annually, fiscal year, interim, first evaluation in 6 months then annually, etc.)
- Evaluation form
- HIPPA and confidentiality
- Training was discussed; the type of training needed; can OPG staff including Director Alvarez take part in judicial trainings; etc.
- Ms. Lind is to check with SCAO HR regarding judicial trainings

AAG Johnson advised the Commission that they can make changes as they wish; she can meet with Chair Bennett-Woods and then incoming Chair Lesco to discuss the evaluation form; both the new draft Director Personnel Rules and the director evaluation form can be presented to the Commission in January.

VI. Discussion of Transition of AG Legal Counsel

Chair Bennett-Woods thanked AAG Johnson for all that she has done for the OPG. AAG Johnson made it known that it has been an honor and pleasure working with the Commission, and that she loves her position with the AG’s Office and getting to serve commissions such as this one. AAG Johnson advised her last day with the AG’s Office will be Jan. 23rd; she will work with AAG Enck who is taking her place representing the OPG; she and AAG Enck will meet with Chair Bennett-Woods and Director Alvarez; they will also meet with incoming Chair Lesco and Director Alvarez; etc.

VII. Discussion of OPG Commissioner Term Limits

- Governor appointments versus chief justice appointments
- Vice-Chair Lesco’s appointment letter expires in 2023
- Chair Bennett-Woods may have Commissioner Kelley’s appointment letter, which she believes also expires in 2023
- Chair Bennett-Woods and Commissioner Chayet’s appointment letters expire Nov. 1, 2021
- Commissioner Zinn’s appointment letter expires Oct. 2021
- Need to be more proactive moving forward
- AAG Johnson recommends a spreadsheet with deadlines and appointment authority; statutes – duration of the pilot project; with a new governor, he

may wish to have his own people serve and may not reappoint current commission members

VIII. Discussion of Stakeholder Engagement Plan

Already discussed this during Agenda Item IV. Director Report. Director Alvarez will have the draft plan finalized for the next meeting in January.

IX. Public Comment

No one from the public is present. Ms. Vandervergh had left the meeting prior to the public comment portion.

Any Additional Comments from the Commission Sought

- Commissioner Kelley requested an OPG email for commissioners as to no longer co-mingle her regular work emails with the OPG emails
- AAG Johnson advises, normally commission members do not have emails through the office and that communication should be less frequent now that a director has been hired
- This can be revisited once the OPG gets its own server
- Chair Bennett-Woods has asks that all OPG emails be archived and the current OPG email be shutdown with all further emails going to Director Alvarez

X. Adjourn

Commissioner Kelley seconds the Commissioner Zinn moves to adjourn the meeting. Commissioner Kelley seconds the motions. Motion passes unanimously.

ATTESTATION

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

Kelsey Lesco,
Commission Chair

Karen Kelley,
Commission Vice-Chair

Date

Date

For COMMITTEE REVIEW on 01.22.2020