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# Colorado Office of Public Guardianship

## Commissioners

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



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## PUBLIC MEETING

November 21, 2019

### Record of Proceedings

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#### CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened in the Ralph Carr Judicial Building at 1300 Broadway, Conference Room 1C in Denver, Colorado at 10:06 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

#### **Commission Members Present**

Deb Bennett-Woods, Chair  
Karen Kelley\*  
Marco Chayet

Vice-Chair Kelsey Lesco  
Alison Zinn

#### **Others Present**

Sophia Alvarez, Director for OPG  
Sueanna Johnson, Senior AAG

#### **Public Attendance**

Lara Vandervergh  
Rachael Minor  
Coral Cosway

\* Appeared/Participated by Telephone

#### **AGENDA ITEMS**

##### **I. Call to Order**

The meeting was called to order.

## **II. Approval of the October 23, 2019 Meeting Minutes**

Chair Bennett-Woods requests a motion to approve the minutes. Commissioner Chayet makes the motion, and Commissioner Zinn seconds. The motion passed unanimously.

## **III. Chair Report**

The Chair reported on the following activities:

- The Chair had a follow-up discussion with Steve Allen on data collection that mostly involved brainstorming on how to get data collected. Steve Allen thought the Commission should take this issue up with Director as soon as possible so the Office could consider options.
  - One option included seeking grant funding to partner with an academic institution for researching, but it was unclear how to move forward on that front.
  - Commissioner Chayet suggests reaching out to Kobe's Institute from Aging at DU and he could reach out there
  - Commissioner Chayet also suggests reaching out Lynn Taussig former president of National Jewish and would be good contact
  - Commissioner Lesco is having conversation with woman with Civic CIVHV (Center for Improving Value in Health Care) who does a lot of data collection with hospitals, and there might be some code that tracks hospitalization for those who cannot be discharged due to diminished capacity and no guardian. There is reason to think that this data is be tracked for hospitals and Commissioner Lesco is going to check to see if there is an easier way to get the data if it is being tracked already
  - Chair Bennett-Woods indicated that Adult Protective Services and law enforcement are other areas to look to see if data could be collected
  - Director Alvarez indicates she met with Adult Protective Services, and they are willing to assist with data collection
- Chair Bennett-Woods also reports that she had contacts with stakeholders, who are anxious for the Office to get started, and are willing to help with visibility or legislative issues. Chair Bennett-Woods expressed her

appreciation to the stalwart supporters of the pilot program, and referred various contacts to Director Alvarez for follow up.

#### **IV. Amendment to the By-Laws**

AAG Johnson explains that for appointment of a new chair based on the new term of January to December, the By-Laws need to be amended to accommodate this change. The Commission could also then appoint a new Vice-Chair.

AAG Johnson also explains that while amending the By-Laws, she noticed suggested a change of language for the Public Comment Policy, since the Commission's Public Comment Policy has since been amended. The new language allows the Public Comment Policy to be amended without need to amend the By-Laws in the future.

The Commission discusses the proposed changes. There was discussion that the Commission does not need the first sentence of the last paragraph on Page 2.

In addition to the change suggested by the Commission, and the changes proposed by AAG Johnson, Chair Bennett-Woods asks for a motion to approve the By-Laws as amended. Commissioner Chayet makes the motion, and Commissioner Zinn seconds. The motion passes unanimously

#### **V. Election of Vice-Chair**

At the last Commission meeting, it was announced that Chair Bennett-Woods would step down as Chair with a new term commencing each January thereafter to coincide with the legislative session. Under the By-Laws, as current Vice-Chair, Commissioner Lesco assumes the Chair in January, which means a new Vice-Chair needs to be elected.

The Chair asks for nomination for a Commissioner to serve as Vice-Chair. Vice-Chair Kelley nominates Commissioner Kelley. There is discussion as to whether Commissioner Kelley wants to serve in the role.

After discussion, Commissioner Lesco moves to approve the nomination of Commissioner Kelley as the new Vice-Chair commencing in January 2020. Commissioner Chayet seconds the motion. The motion passes unanimously.

#### **VI. Legal Advice on Policies and Procedures in Implementing the Office**

Chair Bennett-Woods explains that some questions arose in prepping for this meeting that require AAG Johnson to provide legal advice to the Commission. AAG Johnson explains to the public that while it is not ideal, the legal advice is

necessary at this juncture because it affects how affect the Commission's actions for the subsequent agenda items. AAG Johnson also explains that in discussions with Director Alvarez and Chair Bennett-Woods, it became apparent that the legal advice needed to be provided to the full Commission so that the Commission could decide how it wanted to take action on how to implement the Office now that a director is appointed.

At 10:17 AM, the Chair asks for a motion for the Commission to enter into Executive Session to receive legal advice from its counsel on how policies and procedures affecting implementation of the Office. Vice-Chair Lesco makes the motion, and Commission Zinn seconds the motion. The motion passes with four votes, as Commissioner Kelley exited the meeting telephonically and had not yet rejoined.

The public leaves the room.

Commissioner Kelley rejoins the meeting via telephone through a number that is not available to the public.

**Executive Session was held so the Commission may obtain legal advice from its counsel regarding policies and procedures for implementing the Office, specifically compliance with other state laws for stakeholder input and discussion of personnel matters involving oversight of Director Alvarez, as she moves forward with implementation of the Office**

**Executive Session was recorded**

**Return to open meeting**

At 11:20 AM, the Commission exited Executive Session.

The Commission invited the public back into the room, and some members of the public re-join.

Based on the advice provided in the Executive Session, the Commission directed Director Alvarez to develop and report back to the Commission regarding a stakeholder engage in process.

## **VII. The Director's Report**

Director Alvarez provided the following update:

### Administrative Update

- The Office is temporarily located in the City and County Building. There has been discussion of moving the Office to the Ralph Carr complex, but that is not anticipated to occur for another year at the earliest
- The OPG has a new main phone number, which is now listed on the letter head, but it is (720) 865-8632.
- Director Alvarez now has a laptop and printer, and a mailing address still at the Ralph Carr Building.
- Director Alvarez just obtained an email for the OPG, which is temporarily being provided by the Judicial Department. The main OPG email is [Copublicguardianship@judicial.state.co.us](mailto:Copublicguardianship@judicial.state.co.us)
- With a mailing address and email, the Director is now able to post for her staff assistant and public guardian job openings.

### Proposed Budget for Fiscal Year 2020-21

- Director Alvarez has worked with Hugh Wilson and obtained a budget for the fiscal year 2021. The proposed budget was posted on the temporary OPG website.
- The Director reports that the next Joint Budget Briefing is on December 3, 2019. Steve Allen will present and then there might be questions. At this point, the Director did not foresee needing a Commissioner there.
- On December 13, 2019, the Office and Hugh Wilson will need to submit update or answers to questions that were received from the Joint Budget Committee. Hugh Wilson and the Director will attend. The Chair believes that a Commissioner should attend, and Commissioner Lesco indicated she would be able to attend. The Director will provide Commissioner Lesco with the information. Of the December 13<sup>th</sup> hearing date.

### Updated MOU with State Judicial

- When the Office was first established, a MOU with the Judicial Department was entered into with the Commission. The Director, AAG Johnson, Hugh Wilson, and others with State Judicial met to discuss some small changes to the existing MOU based on services now being provided with the Director appointed. The Director signed the new MOU today, but the State Court

Administrator still needs to sign. The Director or AAG Johnson will provide a copy once the MOU is executed.

#### Personnel / Fiscal / Operating Policies

- The Director has worked on personnel policies but for her staff, but two sections on case management and another on emergency procedures for employees that are within the City and County Building have not yet been completed.
- AAG Johnson indicated that personnel policies for the Director are being worked on, and will need to be approved by the Commission likely for the December 2019 meeting.
- Director Alvarez indicated that fiscal policies of Office need to mirror fiscal policies of State Judicial per the Office statute, so those policies are mostly completed.
- The Director indicated that operating policies for the Office are in progress and are not completed as of yet. The Director anticipates that the Office will want to solicit public comment for the operating policies, as those will deal, in part, with eligibility of client for services from the Office.

#### Human Resources Update

- As for a human resources update, the Director reports that job descriptions are complete, were reviewed by AAG Johnson, Hugh Wilson, and State Judicial HR. State Judicial will assist with posting the job announcements, interviewing, and screening of candidates. Director Alvarez solicited suggestions from the Commission for possible locations for posting the job announcements. The job announcements include one staff assistant and four public guardians.
- One issue that has arisen about hiring is that Colorado has a registry or database that tracks individuals who are subject to substantiated claims of elder abuse and neglect. Director Alvarez is aware that a certain agency could run what is known as a "CAPS check," as such information may not appear on a criminal background check.
- Commissioner Chayet is aware of the database but knows very little about it as the abuse/neglect background check is a mystery. He is aware that it is some type of governmental database to make reports of suspected abuse/neglect and there is not a lot of transparency of its existence, but knows it is a few years old.

- Ms. Minore/Ms. Cosway explained that there was legislation passed that the Colorado Department of Human Services implement what is known as a CAPS check program. The database contains incidents of substantiated elder abuse/neglect. The employer (e.g. hospital, assisted living, and care facilities) is required to conduct the check but does not prohibit them from being hired. When CDHS promulgated rules for the database, that agency made clear that the database is not public, but CDHS may run the check so there is accuracy that the right person was identified and supposed to be included in the database.
- AAG Johnson will work with State CDHS and the Director to determine whether the Office may access or request State CDHS to conduct background checks from the CAPS system.

#### Case Management System

- With respect to the case management system, the Director reports that she has looked at various systems and obtained information about systems obtained from other organizations. Based on this information, she has a formed strategic plan with eligibility requirement to ensure that information is incorporated into the developed case management system. The goal is to also identify a case management system that will incorporate the data gathering so that the Office is not working backwards to create the legislative report mandated by statute in 2023 to the General Assembly.
- Director Alvarez indicated that she was informed that if the Office went with a non-approved SIPA vendor, a case management system may take 3 months through purchasing, so the Director has decided to work through SIPA.
- The Director has met with CIPPA and is working with Revisions, a SIPA approved company. The Director has met with Revisions and has another meeting today to establish a proposal for creating the case management system.
- The Director reports that SIPA will assist with getting a website created and operational for the Office. Running.
- The Director indicates that SIPA works with a case management system known as Salesforce, but such a system is not compatible with the APS system, and APS is trying to change its own case management system.

#### Stakeholder / Community Outreach

- The Director has met with numerous stakeholders since her appointment including:

- Meeting with numerous private guardians
- Meeting with individuals of owners of private guardianship services
- Meeting with Chris Henderson of the Office of the Child's Representative, who provided input on a case management system
- Meeting with Attorneys of the Elder Law Section of the Colorado Bar Association, which the Director attended with Connie Lind, and the Director was able to meet Carl Gladstein
- Meeting with the Colorado Guardianship Alliance
- Meeting with numerous service providers
- Meeting with Eileen Dougherty, head of the Colorado Gerontological Society
- Meetings with Adult Protective Services to discuss data collection/gathering, the CAPS system, and the request that APS wants to do a presentation for OPG in February 2020
- Meeting with various public guardians
- Meeting with the Colorado Fund for People with Disabilities
- The Director was asked to do a presentation for the Fiduciary Forum in February 2020
- Meeting with the Alzheimer's Association TBD
- The Director reiterates that she is posting the job announcements for the staff assistant and the public guardians.
- The Chair wants to know if there was a certification process for guardians as she thought there was some national guardianship process, and the Chair wants to know if the Director wants to consider preference for those who have certification or require to be certified. Director Alvarez indicated that she will add that as a preferred qualification to the Public Guardian job description.



## **VIII. Holiday Leave**

Because there currently are no personnel policies adopted for the Director, the Director wants to request that the Commission grant her the additional holiday leave that was extended by the Governor and Chief Justice. The additional holiday leave is 20 hours to be taken the day after Thanksgiving, Christmas, and 4 hours before New Years' Eve.

AAG Johnson explains that because the Director is not part of the classified system, which the Governor oversees, or is she a judicial employee overseen by the Chief Justice, the request must be approved by the Commission. AAG Johnson indicates that future leave requests based on the forthcoming proposed personnel rules for the Director likely will require approval by only the Chair.

Chair Bennett-Woods asks for a motion to approve the holiday leave request for Director Alvarez. The motion is made by Commissioner Chayet, and seconded by Commissioner Lesco. The motion passes unanimously.

## **IX. Commission Term Limits / Strategic Plan**

Due to time limitations, Chair Bennett-Woods tables the agenda items to discuss the Commission term limits and Director Alvarez's proposed Strategic Plan.

## **X. Public Comment**

There is no public present, so no need to public comment.

## **XI. Adjourn**

Chair Bennett-Woods called for a motion to adjourn the meeting. Commissioner Lesco makes the motion, and it was seconded by Commissioner Kelley. With no objections, the meeting adjourned at 12:03 PM.

**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.

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Deb Bennett-Woods  
Commission Chair

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Kelsey Lesco  
Commission Vice-Chair

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Date

\_\_\_\_\_  
Date

FOR OPG COM'N REVIEW AT 12-18-2019 MEETING