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# Colorado Office of Public Guardianship

## Commissioners

Shari Caton, Chair  
Deb Bennett Woods, Vice Chair  
Marco Chayet  
Kelsey Lesco  
Karen Kelley



1300 Broadway, Suite 1250  
Denver, CO 80203

(720) 625-5130  
OPGCommission@gmail.com

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## INTERIM FUNDRAISING GUIDELINES

### ARTICLE I: PREAMBLE / AUTHORITY

Pursuant to the Article V, § 5.2 of the By-Laws approved by Office the Public Guardianship Commission ("Commission") on January 12, 2018, the Commission herein promulgates Interim Fundraising Guidelines in accordance with § 13-94-104(3), C.R.S., (2017). The money raised will allow the Commission to appoint the Director for the Office of Public Guardianship ("Director"). Any monies received after appointment of the Director shall be used for overhead of the Program. The Director, once appointed, is required under statute to promulgate policies and procedures for the receipt of gifts, grants, or donations to the Office. § 13-94-107(1)(b), C.R.S. (2017). These Interim Fundraising Guidelines do not intend to supersede or supplant any guidelines that may be promulgated by the Director, but are meant to provide guidance for the receipt of gifts, grants, or donations in at least the amount of \$1.7 million until a Director is appointed, and thereafter, as appropriate.

### ARTICLE II: DEFINITIONS

"Commission" shall have the same meaning as found in § 13-94-103(2)(a), C.R.S. (2017).

"Director" shall has the same meaning as found in § 13-94-103(2)(c), C.R.S. (2017).

"Office" shall have the same meaning as found in § 13-94-103(2)(e), C.R.S. (2017).

"Program" refers to the pilot program authorized by HB 17-1087, signed into law on June 5, 2017.

## ARTICLE III: FUNDRAISING REQUIREMENTS

### Section 3.1 Voluntary.

All gifts, grants, or donations must be voluntary. The Commission, or Director as appropriate, shall not receive any gifts, grants, or donations that are contingent upon the return of any consideration to the donor, whether monetary or through the receipt of preferential treatment for services provided by the Office. The Commission, or Director as appropriate, agrees to that if it accepts a grant, it shall comply with any terms or conditions, so long as the terms or conditions do not condition the receipt of monies that is inconsistent with the Program or any other state law.

The Commission, or Director as appropriate, reserve the right to decline any gift, grant or donation that is inconsistent with the mission or purpose or not in the best interest of the Program.

### Section 3.2 Form of Gifts, Grants, or Donations.

The gift, grant, or donation must be in the form of cash, check, or credit card that will be deposited in the Office of Public Guardianship Cash Fund, as created pursuant to § 13-94-108(1), C.R.S. (2017) ("Fund").

The Commission, or Director as appropriate, shall receive a gift, grant, or donation in any amount.

The gift, grant or donation may be in the form of a pledge, so long as the pledge outlines when or upon which conditions the gift or donation will be transmitted in the form of a negotiable instrument to the Commission, or Director as appropriate, for deposit in the Fund. The donor shall execute a standardized pledge form that shall be approved by the Commission.

Commission members are not prohibited from providing a gift, grant or donation to the Office, so long as such gift, grant, or donation is subject to the same terms and conditions as any other donor.

**Section 3.3 Method for Receipt of Gifts, Grants, or Donations.**

The gift, grant, or donation must be made payable to the Office of Public Guardianship. Such gifts, grants, or donations may be provided to any Commission member, the Director, or fundraising agent of the Commission or Director, as appropriate.

The donor shall receive a receipt that evidences the name of the donor or entity, the amount of the gift, grant or donation received, the authority of the individual or entity who donated the money, and acknowledgment that the donor signed and received the mandatory disclosures, discussed in Section 3.8 below. Such receipt shall be issued to the donor before in a reasonable time after receipt of the gift, grant, or donation.

**Section 3.4 Approval by Commission Members.**

The Chair and Vice-Chair are authorized by the Commission to draft grant applications, including but not limited to, any supporting documentation necessary for the grant applications. All grant applications, regardless of the amount applied for, shall be reviewed and approved by a majority vote of the Commission prior to submission.

**Section 3.5 Transparency of Donor and Grant Identification.**

As the Commission and Office are public entities and in recognition that a public entity's revenues should be transparent, all donors who provide a gift, donation, or grant to the Commission in furtherance of funding or operations of the Office is public information. Publicly available information shall include, but not be limited to:

- The name of the donor or grant entity, whether an individual or entity;
- The amount or item that was gifted or donated or the amount of the grant awarded;
- Any conditions placed on the use of monies pursuant to the terms and conditions of the grant;

Aggregate information concerning any gifts, grants or donations received by the Office may be available upon written request to the Commission, or Director, as appropriate.

**Section 3.6 Public Information – Tax Exempt Status.**

The Commission, or Director as appropriate, shall make available to the public and donors the governmental entity tax exempt letter from the Internal Revenue Service (once received from that agency).

**Section 3.7 Public Information – Budget/Spending.**

Upon request, donors shall be provided annual budget information of the Office in a form determined by the Commission, or Director as appropriate.

**Section 3.8 Disclaimers/Disclosures/Acknowledgments.**

At a minimum, fundraising materials shall include the following disclosures and disclaimers that must be signed by the donor before the gift, grant or donation is received:

- Receipt that the donor received a copy of HB 17-1087, the organic law that established the Office of Public Guardianship Commission and Office, either physically or such law made available electronically.
- The gift, grant, or donation is intended to fund the Program;
- The donor will not receive any preferential treatment for services of the Office, or for any person that the donor, either individually, or through association with an entity/agency, refers to the Office to receive services.
- No goods or services of any value will be provided to the donor or entity in exchange for the donation.
- The donation is nonrefundable once deposited into the Fund.
- If the Program is not continued or modified by the General Assembly, all donations that are not spent prior to the expiration of the pilot program in 2021 will revert to the general fund for the State of Colorado.

- If the Program is continued or modified by the General Assembly, the Commission, or Director as appropriate, will engage in best efforts to retain any gifts, grants, or donations that exist in the Fund that were not spent during the term of the Program through legislative efforts. Such efforts do not guarantee that gifts, grants, or donations in the Fund will be retained by the Office or Commission after 2021 depending upon the legislation that is passed by the General Assembly and signed into law by the Governor.

The Commission, or Director as appropriate, has discretion to add to the disclosures, disclaimers, and acknowledgments that may be provided to donors given Fundraising circumstances.

#### **ARTICLE IV: CODE OF ETHICS**

The Commission, or Director as appropriate, believe that a state agency of government, promulgation of a Code of Ethics is appropriate. Many of these Ethical Standards are adopted from the Association of Fundraising Professionals that was originally adopted by that entity in 1964 and amended in October 2014.

##### **Section 4.1 Public Trust.**

The Commission, or Director as appropriate, shall not engage in activities that harm the Program or the clients that the Program seeks to serve.

The Commission, or Director as appropriate, shall not engage in activities that conflict with their ethical and legal obligations to the Program or the clients that the Program seeks to serve.

The Commission, or Director as appropriate, shall disclose all potential and actual conflicts of interest. Disclosure of such conflicts does not preclude or imply ethical impropriety but is done to avoid any an appearance of impropriety.

The Commission, or Director as appropriate, shall not exploit any relationship with a donor, prospective donor, client, or employee for the benefit of the Program.

The Commission, or Director as appropriate, shall comply with all applicable state, local and federal laws.

The Commission, or Director as appropriate, shall protect the confidentiality of all privileged information relating to the Program or the clients that the Program seeks to serve.

**Section 4.2 Solicitation of Funds.**

The Commission, or Director as appropriate, shall ensure that all solicitation and communication materials are accurate and correctly reflect the Program's mission and the use of solicited funds.

The Commission, or Director as appropriate, shall ensure proper stewardship of all revenue sources, including timely reports on the use and management of such funds.

**Section 4.3 Treatment of Confidential Information**

The Commission, or Director as appropriate, shall not disclose privileged or confidential information to unauthorized persons.

While public information about the donor must be disclosed for transparency of a government agency, financial information about donors, except for the amount of money donated, shall not be disclosed by the Commission, or Director as appropriate.

The Commission, or Director as appropriate, shall use accurate and consistent accounting methods that conform to state law requirements when disclosing fundraising results.

**ARTICLE V: AMENDMENTS**

**Section 5.1 Procedures.**

The change in state or federal law, or other circumstances, may warrant the amendment of these Interim Fundraising Guidelines. These Guidelines may be amended or repealed, in whole or in part, by a majority vote at any publicly noticed meeting of the Commission and are effective upon adoption or amendment.

**Section 5.2        Distribution.**

The latest version of these Interim Fundraising Guidelines shall be made available to the public via the Office website, or through other means until an Office website is established.

**Section 5.3        History.**

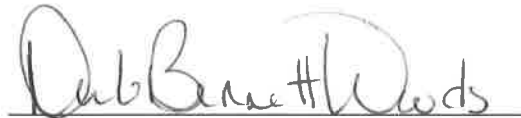
Amended and effective by the Commission on April 24, 2018.

Adopted and effective by the Commission on March 9, 2018.

COLORADO OFFICE OF PUBLIC GUARDIANSHIP COMMISSION:



SHARI CATON, ESQ.  
Commission Chair



DEB BENNETT-WOODS  
Commission Vice-Chair