
Colorado Office of Public Guardianship

Commissioners

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



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PUBLIC MEETING February 14, 2019

Record of Proceedings

CONVENE

The emergency meeting of the Colorado Office of Public Guardianship Commission was convened via telephone, with the conference call-in number noticed to the public, at 9:02 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

Commission Members Present

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

Others Present

Hugh Wilson, Office of the State Court Administrator*
Connie Lind, Office of the State Court Administrator*
Sueanna Johnson, Senior AAG*
Ruth Aponte, Aponte & Busam*

Public Attendance

Robert M. Hernandez*
Maureen Welch*

* Appeared/Participated by Telephone

AGENDA ITEMS

I. Chair Update on Stakeholder and Legislative Meetings

Commission Chair Bennett-Woods began the meeting by briefly discussing the barriers in communications and will do her best to provide updates and answer questions as to the legislative strategy since the last meeting.

Commission Chair Bennett-Woods and Ms. Aponte (jointly or individually) met with:

- Jan. 23rd – Wade Buchanan of the Governor’s Office
- Jan. 25th – Representative Rochelle Galindo, District 50
- Jan. 29th – Representative Marc Snyder. Representative Snyder held a Stakeholder Meeting which was well attended.
- Jan. 30th – State Treasurer Dave Young
- Feb. 5th – State Treasurer Young, Representative Snyder, and JBC Staff
- Feb. 7th – Policy Stakeholders Meeting
- Feb. 13th – Legislative Draft Writer

II. Stakeholder Issues Raised and Actions in Response to Date / Commission Letter

Commission Chair Bennett-Woods advised there was broad, strong support from stakeholders for moving forward with the OPG; Ms. Welch provided a memo, which was provided to the Commission and Commission Chair Bennett-Woods summarized and noted that a recommendation was made for the OPG Commission to write a letter to Representative Snyder addressing some of the concerns raised to include future stakeholder involvement and handling OPG records in accordance with statutes, rules, etc.;. She also advised that the OPG Director’s salary would be set by Judicial not the Commission, and that she is not certain if that salary would be different during the pilot phase versus if/when the office was to expand statewide.

Commissioner Chayet moved to endorse the letter to Representative Snyder from the OPG Commission. The motion was seconded by Commissioner Kelley. The motion passed unanimously.

Ms. Aponte pointed out that Representative Snyder can hold stakeholder meetings as he wishes and without notice of such meetings.

III. Amendments to HB 19-1045 Supported by the Commission

Commission Chair Bennett-Woods read the proposed amendments to HB 19-1045

- L001 – Addresses extending the date for the pilot; an exit plan; and change in repeal date
- L003 – Technical amendments
- L004 – Appropriations clause. (Note: it is the appropriations clause that triggers a fiscal note.)

Commissioner Chayet addressed the need to extend the Commissioners' appointments, due to appointments expiring 12/31/2021. Mr. Wilson provided clarification regarding the appropriations clause. Ms. Aponte advised these are the amendments they are aware of.

IV. Explanation of Fiscal Note Under Development

Ms. Aponte explained the fiscal note; that general funds are appropriate; and that other fund sources may or may not manifest. Mr. Wilson added that the appropriations clause is necessary and clarified the 8.4 FTE was not to fully staff the OPG but for the fiscal year. Full staffing remains at 14 FTE.

V. Delegation of Decision-Making Authority on the Bill HB 19-1045

Commission Chair Bennett-Woods discussed her agreeing to the recommendation put forth by stakeholders for submitting a letter to Representative Snyder, and that the Commission should discuss delegating decision making moving forward in light of legislative time constraints. Ms. Aponte recommended that the Commission consider delegating decision-making authority regarding HB 19-1045, etc., to Commission Chair Bennett-Woods.

AAG Johnson provided legal advice to the Commission for considering parameters, guidelines, and a broad category of topics. Commission Chayet asked for more specificity. Both AAG Johnson and Ms. Aponte furthered the discussion. Commission Chair Bennett-Woods asked to skip ahead to another item on the agenda due to Ms. Aponte having other obligations she needed to attend.

VI. Hearing Preparation for Judiciary Committee

Ms. Aponte provided an overview of hearing details; advised Commission Chair Bennett-Woods would testify at the hearing and Commission Vice-Chair Lesco and Commissioner Chayet would be present to answer questions; some stakeholders also plan on attending the hearing; the hearing is open to the public, will be live streamed and archived, and will be held in the basement of the Capitol, Room #0112.

VII. Delegation of Decision-Making Authority on the Bill HB 19-1045 (Continued)

AAG Johnson summarized what a motion may contain. A motion to delegate to Commission Chair Bennett-Woods, authority to take a position on the current amendments, including the appropriations clause, extension of the dates for the pilot, an exit plan, and any amendments which are consistent with the narrowly identified goals of the Commission. Any other amendments not consistent with the goals of the Commission, Commission Chair Bennett-Woods would not take a position.

Commissioner Chayet moves to adopt the language and parameters as stated by AAG Johnson. Commission Vice-Chair Lesco seconds the motion. The motion passes unanimously.

Commission Chair Bennett-Woods asked if there were any other matters the commission would like to discuss. Commissioner Chayet asked if there was an update as to the vacant commission seat. Commission Chair Bennett-Woods advised she has reached out to Terry Scanlon with SCAO and will continue to follow-up with him. She will have this as an agenda item for the next OPG meeting.

Mr. Hernandez asked why there was no public comment period included in today's agenda.

AAG Johnson advised that per the OPG Public Comment Policy, public comment is allowed during regular meetings. Today's meeting is an emergency meeting, not a regularly scheduled meeting.

VIII. Adjourn

Without objection, the meeting was adjourned at 10:08 AM.

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.

Deb Bennett-Woods
Commission Chair

Kelsey Lesco
Commission Vice-Chair

Date

Date

For OPG Commission Review - 2/22/2019