
Colorado Office of Public Guardianship

Director, Sophia M. Alvarez

Commissioners

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



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PUBLIC MEETING

July 22, 2020

RECORD OF PROCEEDINGS

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened by telephone conference at 10:00 AM by Commission Chair Kelsey Lesco.

A quorum of the Commission was present.

Commission Members Present

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

OPG Director

Sophia M. Alvarez

Others Present

Jacquelyn Beal, Office of Public Guardianship
Rhonda Sanchez, Office of Public Guardianship
Camille Price, Office of Public Guardianship
Erin McGavin, Office of Public Guardianship
America Paz Pastrana, Office of Public Guardian
Debbie Enck, Office of the Attorney General

Public Attendance

Connie Lind

Julia Cardi

Hugh Wilson

Lara Vandenberg

Robert Hernandez, Former State Senator

Maureen Welch

Jim Tatten

All participated by telephone.

AGENDA ITEMS

I. Call to Order

The meeting was called to order.

II. Approval of the June 24, 2020 Meeting Minutes

Chair Lesco calls for amendments to the draft meeting minutes. Member of the Public, Robert Hernandez, requested to be addressed as “Former State Senator” on Meeting Minutes. Commissioner Kelley moves to approve the June 24, 2020 Meeting Minutes as amended. Commissioner Bennett-Woods seconds the motion. Motion passes unanimously.

III. Chair Report (Kelsey Lesco)

Chair Lesco begins meeting asking members of the public to comment at the end in the public comment section. As first item, Chair Lesco announced that the Commission’s email address was set up and can be used to directly contact the Commission. Chair Lesco asked to post email address on the OPG website. Second, Chair Lesco inquired as to how the executive sessions will be conducted. AG Enck informed that when the Commission goes into an executive session the public telephone line will remain on, Commissioners will remove themselves from the public telephone line and meet through video format, (Teams). When the executive session closes, Commissioners will return to the public telephone line/open meeting. The public may remain on the public telephone line during the executive session. Chair Lesco asked for comments. There were no additional comments.

IV. Discussion of Budget (Hugh Wilson)

Chair Lesco requests an overview and accountability of the OPG budget. Mr. Wilson provided a brief description of the OPG budget. Additional items discussed included but not limited to:

- a. Mr. Wilson asked if everyone received the preliminary summary of previous year. Everyone received it.
- b. Mr. Wilson advised that the State has not closed the budget for the FY20 period and the report he provided is not final, but fairly accurate. There was a full expenditure of the General Fund (\$427,000) and \$172,925 of the Cash Fund.
- c. On the preliminary totals page the FY20 appropriation is listed with a total of \$835,386, as of yesterday the expenditures were \$599,925, General Fund \$427,000, Cash Fund \$172,925, total cash revenues of \$1,038,857, with an end of the year balance of \$865,931 available for FY21.
- d. Mr. Wilson informed that the provided documents show what the Legislative assembly approved as general fund money for the judicial department. The general fund provides seed money until the cash revenues can fund the program. Mr. Wilson stated that this process is consistent state policies.
- e. Mr. Wilson informed that a \$773,000.00 Appropriation was approved and that there is a sufficient Cash Fund to run this program for 2021. Mr. Wilson asked for comments. There were no comments.
- f. Mr. Wilson informed that under the Judicial MOU with the OPG, Judicial is to provide accounting, budgeting, and human resource services.
- g. Mr. Wilson informed that Judicial processes and payments are used, and that accounting will not pay any bill without Director Alvarez's approval.
- h. Commissioner Bennett-Woods inquired about the best practices or standards for specific oversight of the Director's limits on expenditures. Mr. Wilson recommended as best practice, for the director to submit or make the Commission aware of major expenditures.
- i. Chair Lesco stated that the budget looks healthy and inquired as to whether we know of any financial issues that will impact the operations of OPG in FY22. Mr. Wilson stated that he has carefully watched the

revenue collection and was surprised to see that there were funds being collected for OPG even with the courts having reduced hours due to the pandemic. The revenues were down some, but not as drastic as other Judicial revenues in May and June. Mr. Wilson anticipates for the rest of year to collect additional revenue for FY22.

- j. Mr. Wilson stated that state planning and budget have issues with the guidelines that agencies are expected to follow. Judicial as a department will be following OFPB guidelines for 2022 looking at a 10% reduction in the budget. Mr. Wilson stated that he needs to talk to Director Alvarez about that and will have a recommendation for the next Commission Meeting regarding what OPG should do. A proposed FY22 budget needs to be submitted by September 1, 2021.
- k. Mr. Wilson stated that this is the process and where we are right now. Mr. Wilson stated that the budget report was late because the budget was not passed until extremely late by the legislature. Mr. Wilson stated that OPG in a good condition for 2021 and 2022.
- l. Chair Lesco inquired about whether OPG has been managed as accurate as it can be done for a startup office. Mr. Wilson stated that for a startup office, it is as good as it can be and that it has been handled in a very fiscally responsible manner.
- m. Chair Lesco asked for any additional questions. There were no questions.
- n. Chair Lesco inquired whether Mr. Wilson will be providing monthly budget reports to Director Alvarez.
- o. Mr. Wilson said yes and stated that he doesn't anticipate being too much different of what he has provided for 2021. Mr. Wilson indicated that he is happy to come back to present the FY22 budget submission.
- p. Mr. Wilson asked for additional comments. There were no additional comments. Mr. Wilson asked to direct any further questions to Director Alvarez and will answer them through her.

V. Director Report (Sophia M. Alvarez)

Director Alvarez's 7.24.2020 Director Report was distributed via email and discussed. Additional items discussed included but not limited to:

- a. Director Alvarez began discussion informing that she has a couple of updates. First, Director Alvarez stated that after Mr. Hugh Wilson

provided a better description of the budget, she will move forward with individual Director and Guardian training for CGC (Center for Guardianship Certification) national certification. Director Alvarez stated that she is in the process of registering guardians for 20 hours of approved course work. Director Alvarez expects they will be certified by end of the year.

- b. Chair Lesco inquired about the kind of training the Director and Guardians will receive. Director Alvarez informed that the training will be through the CGC for national certification. Director Alvarez informed that the kind of degree each guardian has will determine what kind of course work they will take. Director Alvarez informed that the CGC website has a list of approved courses, and the process to obtain national certification.
- c. Additionally, Director Alvarez provided the following update on the number of registered users, referrals, and accepted cases as of 7.21.2020.
 1. 60 registered users
 2. 35 registered referrals
 3. 7 accepted cases: 3 filed; 1 attorney contacted CO OPG; 1 OBH & determining who will file guardianship paperwork; 2 newly accepted
 4. 12 accepted referrals: 5 filed; 1 accepted referral with a hearing date in August
 5. 6 Partial/incomplete referrals
 6. 13 streamlined referrals (Non-Denver County) – Declined
 7. Arapahoe County - 2
 8. Larimer County - 3
 9. Weld County - 4
 10. Montrose County - 1
 11. Washington County - 1
 12. Gunnison County – 1
 13. Jefferson County - 1
- d. Commissioner Bennett-Woods provided an update on fiscal policies. Commissioner Bennett-Woods informed that she reviewed the bylaws of the Office of Child Representative and they provide for minimal oversight. Commissioner Bennett-Woods recommends going ahead at the next meeting with approving conflict of interests and oversight of budget policies. Commissioner Bennett-Woods would rather have more extensive statement if AG Enck can add a more relevant policy.
- e. AG Enck stated that she will have more extensive policy by next meeting.

- f. Chair Lesco asked to add this item to the agenda for next meeting.
- g. Chair Lesco asked to discuss item 2 of director's report, video conferencing. Chair Lesco stated that based on Director Alvarez's research and that the cost is only for the Commission, we should not get a membership for video conferencing and that we will revisit in the future.
- h. Commissioner Kelley suggested to add to the Notice of Meeting and agenda, to please mute phone if not speaking. Chair Lesco agreed to add Commissioner Kelley's suggestion to the Notice of Meeting and agenda.
- i. Director Alvarez stated that she is done with director report.
- j. Chair Lesco asked for additional comments. There were no additional comments.

VI. Discussion of Director Evaluation Process (Kelsey Lesco and Deb Enck)

- a. Chair Lesco informed that she has not received comments from all Commissioners, therefore, will have to put off the Director's evaluation until August.
- b. Commissioner Kelley asked if AG Enck received her email with her comments. AG Enck stated that she has not, and she can work with Commissioner Kelley in determining a proper method of delivery.
- c. AG Enck advised that Commissioner Zinn is currently on maternity leave and Commissioner Zinn is requesting if the commission could allow her not to submit an evaluation for this term. Chair Lesco stated that she has no objection to that. Commissioner Bennett-Woods stated that given the current situation she has no problem with that. Commissioner Kelley had no objection.

VII. Discussion of Commission Meeting memorialization and format

- a. Director Alvarez inquired as to whether we can record meetings through telephone. AG Enck stated that we can record telephonically to have accurate records of meetings.
- b. Chair Lesco asked for comments.
- c. Commissioner Bennett-Woods is in favor of recording in whatever format for all future meetings.
- d. AG Enck informed that she has talked to IT about a device that will attach to her phone and will record all discussions.

- e. Commissioner Kelley believes that it is a good idea to record meetings.
- f. Chair Lesco stated that all agreed on record meetings.
- g. Commissioner Bennett-Woods suggested that meetings always should be recorded, unless there is an unavoidable problem that doesn't allow to record.
- h. Chair Lesco inquired if IT provides support for recording meetings.
- i. Connie Lind stated that they are not getting support from IT for recordings.
- j. AG Enck informed that she already has had the option to record all along and there isn't a great burden to add recording to other than executive sessions.
- k. Chair Lesco asked for any further comments or discussions. There were no further comments.

VIII. Public Comment

- a. Chair Lesco asked for comments from the Public.
- b. Jim Tatten stated that based upon what he has heard, he doesn't have confidence in the creation and implementation of the Commission or the office of OPG, but he will keep an open mind.
- c. Chair Lesco asked Mr. Tatten for specific details.
- d. Mr. Tatten stated that the indecision and inability to answer a fundamental question as to what method of communication to follow. Mr. Tatten stated that he should have the ability to access all agenda items and be able to be heard. Mr. Tatten stated that a lot of the public concerns were not answered. Mr. Tatten stated that he hears of everyone's interaction but doesn't know who is in charge. Mr. Tatten stated that if he is having difficulty understanding, how can someone new understand. Mr. Tatten stated that he has no confidence in the judiciary.
- e. Lara Vandenberg stated that she has some procedural questions. Ms. Vandenberg stated that she will discuss with Director Alvarez after the meeting.
- f. Former State Senator Robert Hernandez inquired about what is the actual job of AG Enck. Mr. Hernandez asked Chair Lesco if she asked

AG to interrupt while he was speaking at a prior meeting because no one else was interrupted.

- g. Mr. Hernandez stated that he is not ok with Mr. Wilson's report because there is the need to be more conservative with expenditures.
- h. Mr. Hernandez stated that no other state agency receives free rent. Mr. Hernandez stated that members of public are treated as adversaries and should not be because members of the public are ones who are meant to be protected by OPG.
- i. Maureen Welch stated that she has four areas she wants to discuss.
 - o Ms. Welch began stating that she supports the recording of the commission meetings.
 - o Ms. Welch stated that it is good that the budget was discussed but bad that the Director already spent over ½ million dollars with no oversight.
 - o Ms. Welch supports best practices and appreciates audio recordings.
 - o Ms. Welch objects to the terminology used by Director Alvarez in terms of acceptance and the use of the word is inappropriate because none of the cases have been accepted by a judge.
 - o Ms. Welch referred to the last meeting and feels it is concerning eliminating people from jail and mental health facilities as part of OPG's caseload, when that population is more predominantly people of color.
 - o Ms. Welch stated that public engagement is not what the commission has in place, because the public is not allowed to ask questions and give answers.
 - o Ms. Welch stated that stakeholder panel appears to be held in secret and it is not fair taxing people in Colorado and excluding people from the stakeholder panel.
 - o Ms. Welch stated she made a CORA request and there were major discrepancies in the response to her request. Ms. Welch stated that Director Alvarez moved money from cash fund with no record of rent, utilities, or contracts.
 - o Ms. Welch stated that OPG has been open for business for 7 months and no one has been appointed. Ms. Welch stated that OPG has 6 employees and paid \$1,000.00 a day for training, when they should have been furloughed.

- o Ms. Welch stated that the Commission only allows one-sided comments and has not complied with her CORA request for records of MOU with judicial.
- j. Chair Lesco stated that she has records that the MOU with judicial has been sent to Ms. Welch and if Ms. Welch does not have them Chair Lesco will send them to her.
- k. Ms. Welch requested a one on one meeting with Chair Lesco to go through line by line of the budget report. Chair Lesco asked Ms. Welch to review what was provided at the meeting and what was provided to her per her CORA requests. Chair Lesco encouraged Ms. Welch to communicate through email.
- l. Mr. Hernandez asked to encourage the appointment of people of color to serve as OPG commissioners.
- m. Mr. Hernandez asked to consider having stakeholder engagement. Mr. Hernandez stated that other agencies have it and that public comment is not public engagement.
- n. Mr. Hernandez stated that the commission had 3 different AG's interrupting members of public and that their job is to give legal advice but nothing else.
- o. Mr. Hernandez stated that a lot of it can be solved at the meetings instead of the ancillary issues going around if the public can participate.
- p. Mr. Tatten stated that recognition of systemic racism is not only for law enforcement but also within the judicial branch. Mr. Tatten stated that systemic racism exists with no accountability.
- q. Ms. Welch stated that systemic racism is a very valid point and that the IDD community has been under assault by APS. Ms. Welch stated that OPG should to keep in mind the new law is not only making law enforcement accountable.
- r. Chair Lesco thanked all of the public members for their comments and indicated that she hears their concerns.

IX. Adjourn

Commissioner Bennett-Woods moves to adjourn the meeting. Commissioner Kelley seconds the motions. Motion passes unanimously. Meeting adjourned at 11:30 a.m.

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, Chair

12.04.2020
Date



Karen Kelley, Vice-Chair

12.04.2020
Date