
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

September 23, 2020

RECORD OF PROCEEDINGS

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened by telephone conference at 10:05 AM by Commission Chair Kelsey Lesco.

A quorum of the Commission was present.

Commission Members Present

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

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

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. Chair Lesco informed that the meeting is being recorded but we have been experiencing technical difficulties, and hope that the recording will be successful for this meeting.

II. Approval of the August 26, 2020 Meeting Minutes

Chair Lesco calls for amendments to the draft meeting minutes. There were none. Director Alvarez noted that we are actually approving the August 26, 2020 meeting minutes, even though the Notice & Agenda says July 22, 2020. Commissioner Zinn **moves** to approve the August 26, 2020 Meeting Minutes as presented. Commissioner Bennett-Woods **seconded** the motion. Motion **passed** unanimously.

III. Chair Report (Kelsey Lesco)

Chair Lesco indicated that the Chair Report is encompassed in the Director Report and will be discussed as we go through the agenda. Chair Lesco informed the Commission that moving forward, the Agenda will look different and be streamlined and simplified. The Agenda will be in two parts, 1) Information that the Director is reporting on and 2) Information needed for the Commission to make a motion. Chair Lesco asked for comments. There were none.

IV. Director Report (Sophia M. Alvarez)

Director Alvarez's 9.23.2020 Director Report was distributed electronically and discussed. Additional items discussed included but not limited to:

- a. Director Alvarez gave an updated report on the Intake Eligibility, Prioritization and Referral Process and as of today OPG has:
 - i. 75 registered users

- ii. 48 registered referrals
 - iii. 25 accepted referrals 7 filed, waiting for hearing/appointment – attorneys, hospitals, VA, Ft. Logan
 - iv. 4 Partial/Incomplete referrals
 - v. First appointment on 08.17.2020: Currently appointed & acting as guardian for 10 clients
- b. Director Alvarez informed that she doesn't have any additional updates other than what is on director's report.
 - c. Chair Lesco asked if there were any comments. There were none.

V. Discussion of Memorandum of Understanding between Judicial/SCAO and OPG

- a. Director Alvarez informed that she has no update other than what is included in Director Report. AG Enck informed changes to the MOU will incorporate the new office space. Then we will send it to Judicial and await their response; hopefully we will have this done by next meeting.
- b. Chair Lesco asked if there any questions. There were none.

VI. Discussion of Emergency Petitions Policy

- a. Director Alvarez presented amendments to Policy 6. Chair Lesco asked for comments. Commissioner Bennett-Woods stated that the language makes more sense. Commissioner Chayet agrees that language is much clearer.
- b. There was no further discussion.

VII. Discussion of OPG Filing Petitions and related items (Kelsey Lesco, Deb Enck, and Sophia M. Alvarez)

- a. Filing of OPG Petitions
 - b. Using OPG Funds for filing fees
 - c. Interpretation of C.R.S. § 13-94-106
- AG Enck provided written legal guidance to the Commission prior to the meeting. Chair Lesco stated that discussion that includes legal advice should occur in executive session.

- Director Alvarez informed that she has no update from Director Report other than the criteria the OPG office will follow is to not pay for court fees until all avenues are exhausted.
- Chair Lesco asked if there were any questions to be discussed in executive session. There were none.

VIII. Discussion of Fiscal Policies (Kelsey Lesco and Deb Enck)

- a. Chair Lesco ask AG Enck to provide an update of the Fiscal Policies. Discussion of fiscal policies indicated that there is no need for this item to continue being placed on the agenda.

IX. Discussion of Conflict of Interest Policy (Deb Enck)

- a. AG Enck informed the Commission of the changes presented in this policy.
- b. Commissioner Bennett-Woods **moved** to adopt the Conflict of Interest Policy as amended in Section 2.c. to read: “Commissioners shall not use their membership on the Commission to speak publicly on behalf of the Commission in favor of a political candidate, or issue, or to make donations or solicit funds for a political candidate, party, or issue.”
- c. Commissioner Zinn **seconded** motion.
- d. Motion **passed** unanimously.

X. Discussion of Systemic Equality Policy (Sophia M. Alvarez)

Director Alvarez informed that she does not have an update and asked to keep item on the agenda for next meeting.

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

Chair Lesco and AG Enck inform that the Director Evaluation Process will be discussed in executive session.

XII. Executive Session

At 10:34 a.m., at the request of Commissioner Lesco, Commissioner Zinn **moved** to enter into executive session to discuss the confidential Director evaluation. Commissioner Bennett-Woods **seconded** the motion. The motion **passed** unanimously.

Executive Session was held for the Commission to discuss the Executive Director's evaluation pursuant to § 24-6-402(3)(b), C.R.S.

Executive Session was recorded in compliance with § 24-6-402(2) (d.5)(I)(a), C.R.S.

At 11:32 a.m., the Commission returned to open session.

XIII. Public Comment

Chair Lesco invited public comment.

- Former State Senator Robert Hernandez strongly recommends for OPG to come up with furlough plan just as Governor Polis did. Chair Lesco thanked and expressed her appreciation for Mr. Hernandez comment.
- Ms. Maureen Welch requested that members of the public should be allowed full participation after each agenda item and before the Commission takes action. Ms. Welch referred to a message sent by her on 8.26.2020 to the Commission, Director Alvarez and AG Enck, where she requested a change to the meeting format to allow public comment after every agenda item. Ms. Welch expressed her disappointment for the lack of answer. Ms. Welch stated that she did not receive an invitation to the 9.21.2020 Special Meeting and she view this, as well as the technical difficulties with the audio records, as a retaliatory act against her from Director Alvarez. Ms. Welch informed that she will be filing a complaint with the Civil Rights Commission against all Commissioners, Director Alvarez and AG Enck if her requested changes were not made.
- Jim Tatten stated that public comment lacks statutory authority.
- Ms. Welch inquired if the Commissioners were present during her comment. Chair Lesco informed that everyone except Commissioner Chayet. Commissioner Chayet stated that he just rejoined and could not hear all of the public comment. Ms. Welch stated that all her

comments will be included in an email she will be sending to Commissioner Chayet.

II. Adjourn

Commissioner Bennett-Woods **moved** to adjourn the meeting. Commissioner Zinn **seconded** the motion. Motion **passed** unanimously. Meeting adjourned at 11:45 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