



COLORADO OFFICE OF PUBLIC GUARDIANSHIP

POLICY 5: FISCAL STANDARDS

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## COLORADO OFFICE OF PUBLIC GUARDIANSHIP

### POLICY 5: FISCAL STANDARDS

#### **Policy 5. Fiscal Standards**

- a. The Colorado Office of Public Guardianship (OPG) shall maintain fiscal stability. Written policies will demonstrate that the Colorado OPG is operating in accordance with Generally Accepted Accounting Principles.
- b. Pursuant to C.R.S. § 13-94-104(4)(c), the Colorado OPG will operate in accordance with current Judicial Branch Fiscal Rules.
- c. Pursuant to the Memorandum of Understanding between the State Court Administrator's Office (SCAO) and Colorado OPG, most currently executed on January 20, 2021, the SCAO may provide assistance with budgeting, purchasing, and grants.
  - a. Judicial will provide the Office with accounting assistance until the Office has sufficient accounting staff
  - b. The Director is responsible for payment of all bills and expenses incurred by the Office
  - c. The Office retains responsibility for ensuring that all payments comply with state law.
  - d. The Office shall follow Judicial fiscal rules.
- d. Outside review or audit of the Colorado OPG's fiscal situation will occur to provide the checks and balances necessary to assure good fiscal management. Whether it is conducted by a CPA or by a governmental entity, it will be separate from any group or entity with direct oversight responsibility for the Colorado OPG to assure objectivity. The Colorado OPG will demonstrate by OPG Commission minutes or policy that action has been taken on exceptions noted by that fiscal review or audit. If the Colorado OPG is audited by a governmental or funding entity already, that audit may be considered to meet this requirement, as long as the entity is independent of the agency managers or the OPG Commission.

## **Policy 5.1. Financial Agency Records**

The Colorado Office of Public Guardianship (OPG) shall develop a written policy and practice to ensure that it operates within a system of internal controls that govern receipts and disbursements, assure that funds for business/client operations are handled prudently, demonstrate that checks and balances are in place, and retain fiscal records to reflect those practices.

The Director shall maintain a working budget and accounting system to use as a check and balance against the budgeting and accounting documentation by the SCAO.

### **PURCHASES**

The Colorado OPG Commission shall review capital expenditures over \$5,000.00; individual expenditures for goods over \$5,000.00; expenditures for services or service contracts over \$25,000.00.

Purchases may be made using the state-issued credit cards in accordance with the following:

- a. The Director is authorized to have a state-issued credit card.
- b. Authorized use of credit cards includes, but is not limited to:
  - i. Staff travel expenses, including airfare, lodging, food/meals, parking and incidental expenses.
  - ii. Periodic meetings (including food) with judicial officers, attorneys (and their staff), and/or other stakeholders (NOTE: meetings may be held at various locations throughout the state). The 20-mile limitation included below under "Travel" does not apply to these periodic meetings.
  - iii. Small purchases (less than \$500 per item).
  - iv. Training supplies and expenses.
  - v. Office supplies.
  - vi. Ongoing services, such as, telecommunication services, ISP, etc.
  - vii. Center for Guardianship Certification approved courses for National Certification and Master Certification application and renewal
  - viii. National Certification and Master Certification application and renewal
  - ix. Dues and Memberships – The Colorado OPG may pay for the following dues/memberships for staff:
    1. Colorado Bar Association (including subsections of the bar)
    2. Colorado Attorney Regulation
    3. National Guardianship Association
    4. Other memberships as appropriate based on the employee's responsibilities
    5. Institutional memberships in relevant organizations (e.g., National Guardianship Association, elder rights)
    6. Other dues/memberships as approved in advance by the Executive

Director

- x. Conference registration
- xi. Awards/gifts
  - 1. Awards/gifts to volunteers or OPG employees (e.g., upon retirement), including unpaid interns, not to exceed \$150 are authorized upon the approval of the Executive Director.
  - 2. Awards/gifts to volunteers or OPG employees described above shall not be cash or a cash equivalent (e.g., gift card).
  - 3. Gift cards used as training incentives are not considered “gifts” and are therefore not prohibited expenditures. The limited use of incentives (including gift cards with a face value not to exceed \$25.00) is a legitimate tool in motivating adult learning and training. The purchase of gift cards for employees is prohibited.
    - a. Staff purchasing gift cards must indicate the following on the receipt (or on an accompanying document):
      - i. Number of gift cards purchases and the face value that, in total, matches the amount purchased on the receipt.
      - ii. The purpose (e.g., training event) for which the gift cards are purchased.
    - b. Staff must maintain a record of gift cards distributed that reconciles with gift card purchases.
- xii. Other expenses as approved by the Executive Director, OPG Commission and CO OPG Chair.
- c. Credit card purchases must adhere to all other relevant provisions in these policies and procedures, including the requirement that purchases must be for reasonable and necessary expenditures of the Colorado OPG.
- d. The Director and Colorado OPG Chair shall determine the dollar purchase threshold for each credit card and shall ensure purchases are made in accordance with any other limitations in this policy.
- e. Cardholders must make diligent efforts to avoid paying tax on purchases. In the event tax is ultimately charged on a purchase, cardholder must indicate efforts to avoid the tax on the receipt or provide other documentation of such efforts.
- f. Credit card receipts should be submitted to SCAO Judicial Accounting by the 10<sup>th</sup> of the following month after the purchase.
- g. Detailed receipts showing items purchased, including meals, must accompany all credit card receipts.
- h. Receipts for meals for multiple people must identify all staff included on the receipts and number/roles (e.g., Director, Public Guardian) of other attendees.
- i. Transactions not supported by receipts must be supported by memo, email or

some other documentation sufficient to describe the transaction and explain why a receipt was not obtained.

- j. The OPG Commission Chair shall review the Director's monthly credit card statement for reasonableness and compliance with Colorado OPG's credit card policies. Such review shall be documented by signing or initialing the credit card statement, or providing other reasonable documentation indicating approval.

## **CONTRACTS**

- a. The Director has the authority to enter into contracts on behalf of the Colorado OPG.
- b. Multi-year contracts are permitted provided such contracts contain a clause which conditions the continuation of the contract so long as the Colorado OPG program is continued, and funding is appropriated.
- c. Contracts are required prior to the performance of services as follows:
  - i. Services costing more than \$50,001.00
  - ii. As determined by the Director and SCAO
- d. Quotes/Bids
  - i. A minimum of three price quotes are required for goods of a purchase amount of \$25,000.00 - \$150,000.00 and services exceeding \$50,000.00. A request for Proposal may be required for a purchase amount greater than \$150,000.00 for services.
  - ii. If, due to the specialized nature of the goods or services, the Director determines only one vendor can provide the goods/services the Director may waive the requirement for three quotes with a written explanation of the basis for such waiver
  - iii. If it is not possible to obtain three quotes, the Director may waive the requirement, documenting in writing the circumstances surrounding the waive
  - iv. Multiple price quotes are not required if the Colorado OPG is able to obtain pricing that has already been competitively bid, quoted, etc. (e.g. by utilizing Executive branch pricing agreements, Judicial Branch (SCAO) pricing agreements, etc.).
  - v. The Colorado OPG may purchase goods and/or services in excess of the limits above without obtaining multiple quotes by utilizing any other procurement mechanism available to Executive Branch or other governmental agencies (e.g., Statewide Internet Portal Authority – SIPA).
  - vi. The Colorado OPG is not required to select the lowest quote However, a memo or similar documentation must indicate why a

particular quote was selected if it is not the lowest quote.

- vii. Formal bids may be used for large and/or complex purchases. Colorado OPG will follow SCAO procurement rules and will consult with procurement officials from SCAO to ensure proper bid processes are followed.

### **PROHIBITED EXPENDITURES**

The following expenditures are prohibited (NOTE: this is not an exhaustive list):

- a. Personal, non-OCR related expenditures
- b. Political expenses
- c. Fines/penalties
- d. Entertainment expenses
- e. Alcoholic beverages
- f. Gift cards/cash for employees
- g. Any other expenditure as determined by the Director and the Colorado OPG Commission

### **VENDOR PAYMENTS**

The Director does not have access to Colorado OPG funds. Therefore, the Director will approve invoices, not account statements, by placing the Colorado OPG funding code, Director signature, and approval date directly on the invoice. The Director emails the invoice to the Judicial Accounting representative for payment of the invoice.

Payments shall be supported by sufficient documentation support the purpose and appropriateness of the purchase. The Payments of goods/services occurs after the goods/services are received. The Director and SCAO Budget Manager may approve payment of certain expenditures prior to receipt of goods/services (i.e. prepaid expenditures) in limited circumstances, taking into account the risk, vendor relationship and other factors.

### **TRAVEL**

- a. Travel by Colorado OPG staff must be for the benefit of Colorado OPG
- b. Non-routine travel (e.g., attendance at conferences, out-of-state meetings) must be approved in advance by the Director
- c. Routine staff travel (e.g., travel to judicial districts, meetings with clients, meetings with judicial officers, court attendance and observations, Commission meetings, etc.) do not require supervisor approval
- d. Employees using personal funds for travel expenditures (i.e., not using a state credit card) may request reimbursement as follows:
  - ii. Employee must complete a reimbursement request form
  - iii. Reimbursement request form must be approved by the Director
  - iv. Receipts must accompany the reimbursement request form
  - v. Reimbursement requests must be submitted within 30 days of return from

travel status and are paid in accordance with procedures stated herein, unless an exception is granted by SCAO

- e. Mileage reimbursement is made at the rate specified in 24-9-104, C.R.S.
- f. Reasonable parking expenses are allowable for non-routine travel
- g. Toll charges will be reimbursed when accompanied by an explanation of the circumstances surrounding the use of toll roads/lanes and approved by the Director
- h. Lodging will not be paid for any travel less than 100 miles unless pre-approved by the Director
- i. Lodging expenses must not exceed the amount for the destination city/county as determined by the General Services Administration (GSA), plus applicable taxes. For those destinations not specifically identified by GSA, lodging expenses must not exceed the CONUS rate determined by GSA
- j. Lodging rates may exceed the maximum amount stated above if:
  - vi. Lodging is procured at a prearranged place, such as a hotel where the meeting, conference or training session is held (approval for the higher lodging rate is not required)
  - vii. Costs have escalated because of special events and lodging within the prescribed allowances cannot be obtained nearby
  - viii. Other circumstances as approved by the Director
- k. Meals and incidental expenses (M&IE) will not be paid for any travel less than 20 miles unless pre-approved by the Director
- l. Meal expenses must not exceed the daily maximum M&IE established by GSA for the specific destination. Individual meals may exceed the meal maximum as long as the sum of all meal expenses do not exceed the daily maximum
- m. If a meal is provided (e.g., training, conference), the maximum daily M&IE shall be reduced by the amount for the specific meal provided per the GSA breakdown of meals and incidental expenses
- n. The Colorado OPG Commission Chair shall review and approve out of state travel by the Director and incurred related expenses

## **Policy 5.2. Client Financial Records**

The Colorado Office of Public Guardianship (OPG) shall develop a written policy and practice to ensure that it operates within a system of internal controls that govern protection of client funds and financial records. The Colorado OPG may directly handle clients' funds and may be in possession of clients financial documents for review and benefit application and maintenance purposes. Client financial records will be handled as outlined in Policy 6.12.

### **Policy 5.3. Commission Involvement and Oversight**

The State Court Administrator's Office (SCAO) Budget Manager shall provide monthly budget summaries to the Director. The Director shall provide monthly budget summaries for the Colorado Office of Public Guardianship (OPG) Commission to review to ensure monthly budget oversight.

The SCAO Budget Manager and Director shall prepare annual proposed fiscal year budgets. The Director shall provide the annual proposed fiscal year budgets for the Colorado Office of Public Guardianship (OPG) Commission to review to ensure its involvement in the annual budget development.

The COPG Commission provides oversight as per its Oversight Policy.