
Colorado Office of Public Guardianship

Director, Sophia M. Alvarez

Commissioners

Deb Bennett-Woods, Chair
Stephanie Garcia, Vice-Chair
Spencer Crona
Patrick Thiessen
Brandon Fields



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PUBLIC MEETING **February 22, 2023** **RECORD OF PROCEEDINGS**

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened by video conference via Zoom at 10:01 AM by Commission Chair Bennett-Woods.

A quorum of the Commission was present.

Commission Members Present

Chair Deb Bennett-Woods
Vice-Chair Stephanie Garcia
Spencer Crona
Patrick Thiessen
Brandon Fields

OPG Director

Sophia M. Alvarez

Others Present

Janelle Cantu, Deputy Director, Office of Public Guardianship
Erin McGavin, Office of Public Guardianship
Rhonda Sanchez, Office of Public Guardianship
Camille Price, Office of Public Guardianship
Cynthia Wells, Office of Public Guardianship
Loretta Vigil, Office of Public Guardianship
Nancy Bowden, Office of Public Guardianship
Teresa Esquibel, Office of Public Guardianship
Angela Bullard, Office of Public Guardianship
America Paz Pastrana, Office of Public Guardianship
Robert Finke, General Counsel, Office of the Attorney General

Public Attendance

Hani Raley, Assistant Executive Director, The ARC of Aurora

Participation was by video conference.

AGENDA ITEMS

I. Call to Order

The meeting was called to order. The meeting was recorded.

Chair Bennett-Woods informed that Robin Smart from the State Court Administrator Office (SCAO) will be joining the meeting at 11:30 am, therefore, the Budget Presentation will be moved until after the Executive Session.

II. Approval of the February 22, 2023 Meeting Minutes

Commissioner Crona **moved** to approve the February 22, 2023 Meeting Minutes as presented. Commissioner Thiessen **seconded** the motion. Motion **passed** unanimously.

III. Chair Report (Deb Bennett-Woods)

Chair Bennett-Woods' Chair Report, was distributed electronically and discussed. Chair Bennett-Woods did not have any additional updates. There were no follow up questions.

IV. Director Report (Sophia M. Alvarez)

a. SB23-064 Update

b. Human Resource and Case Acceptance Update

c. Proposed Public Records Policy

d. Specifically, the matters referred to Executive Session and Discussion of Critical Incident Reporting

Director Alvarez's February 22, 2023, Director Report was distributed electronically along with other materials and discussed. Additional items discussed included, but were not limited to:

- A. Director Alvarez informed that Hugh Wilson retired, and Robin Smart is the new SCAO Budget Manager.
- B. Director Alvarez informed that the Office bill, SB23-064 was introduced to the Senate Judiciary Committee on January 23, 2023. The bill passed unanimously with an amendment, will go to the Senate Appropriations Committee, and a date has not been set yet.

- C. Director Alvarez informed that the Legislative Liaison will be contacting stakeholders to see if they have questions and/or amendments. Director Alvarez advised that all suggested amendments would have to also pass through the bill sponsors for approval.
- D. Chair Bennett-Woods inquired about the impact of the amendments to the current bill and why the bill ended up back in the Appropriations Committee.
- E. Director Alvarez stated that the amendments were requested by the ARC of Colorado regarding the makeup of the governing board, and training of the guardians. Director Alvarez provided a brief description of the amendments. Director Alvarez informed that one of the Committee members took issue with the fiscal note and that was how the bill ended up in the Appropriations Committee for vote.
- F. Vice-Chair Garcia expressed her appreciation for OPG being open to the amendments and provided a brief explanation of the reasoning behind them.
- G. Chair Bennett-Woods informed that testimony for the hearing did not begin until 8:30 pm., and negotiations and discussions were done before the hearing. Chair Bennett-Woods thanked Director Alvarez and the Legislative Liaisons for working through the amendments throughout the evening.
- H. Commissioner Crona inquired about the issue regarding the fiscal note. Director Alvarez stated that she does not know what the issue with the fiscal note. Director Alvarez will update the Commission when she gets notified.
- I. Chair Bennett-Woods asked if this could be addressed in writing prior to the hearing. Director Alvarez will ask the Legislative Liaison about how it can be addressed.
- J. Commissioner Crona made the following observation to put into the record regarding the OPG expansion bill, the report, and information conveyed by OPG.

“Supportive decision making is an alternative to guardianship from the standpoint of our statute and the NGA standards imposed on guardians and based on underlying principles of our statute requiring consideration and employment of least restrictive means where available and appropriate for the care and protection of the person under guardianship. That alternative does not mean that supported decision-making is an alternative or substitute for guardianship itself, for the guardianship statute, court review of guardianship issues, and imposition of guardianship. I just think that should be noted and further, I don’t believe you have to take a position that supported decision-making should an alternative to the entire legal and statutory concept of guardianship in order to perform sufficiently the oversight role as a commissioner to the Office of Public Guardianship. And not necessarily for all those in attendance in this meeting, but purposes our record and testimony in our bill like to add point and observation to the record.”
- K. Director Alvarez provided the following update to the Human Resources section:

- i. The OBH/Momentum guardian resigned, and the position has already been posted.
 - ii. We are still planning to accept more clients in March for the regular Denver guardian position, and we have already received referrals for second OBH/Momentum guardian.
 - iii. The 7th Judicial District guardian is finishing up training and the office will start taking referrals in April.
 - iv. In March, Director Alvarez is planning to travel to the 16th Judicial District for a meet and greet with providers to try and locate qualified applicants for the 16th JD guardian.
 - v. We currently have 20 referrals on the Hold status for the 2nd Judicial District.
- L. Chair Bennett-Woods asked if the office has received any referrals for the 7th JD district. Director Alvarez informed that we have not opened up for full referrals, only streamlined applications for data gathering purposes have been received.
- M. Chair Bennett-Woods inquired about the Judicial Department cutting back further with human resources assistance and asked if the proposal to establish a shared services agreement with independent agencies will be introduced this legislative session.
- N. Director Alvarez informed that it is her understanding that this current legislative session they are requesting information from the independent agencies to see if there is enough interest to introduce the bill at the next legislative session.
- O. Chair Bennett-Woods stated that she wants to put on record that as a Commissioner, she believes that it is unacceptable that the State is not providing those kinds of basic services to small independent agencies, who are not staffed adequately with all required infrastructure items that any agency needs to be able to operate smoothly. Chair Bennett-Woods further stated that if the State is going to establish an infrastructure that supports those agencies, it should be done as quickly as possible.
- P. Commissioners Crona and Thiessen voiced agreement with Chair Bennett-Woods' statement.
- Q. Vice-Chair Garcia stated that would it be appropriate to conduct research of what it would cost to outsource all those services in order to sway the State's decision.
- R. Chair Bennett-Woods asked if the legislature allows for comment she would be happy to draft a statement and have the commission endorse it. Director Alvarez will look into it.
- S. Director Alvarez informed that she has been operating under the proposed Public Records Policy that the prior Assistant Attorney General drafted. Director Alvarez informed that the policy has not been presented to the Commission for feedback. Director Alvarez stated that AG Finke updated the

current proposed Public Records Policy and has been provided to the Commission for review.

- T. AG Finke stated that he adopted the policy from other agencies and believes that the Commission should move to approve it. AG Finke further explained that proposed Public Records Policy is in place for both the Office and Commission public record requests.

Commissioner Crona **moved** to approve the updated Public Records Policy as presented. Vice-Chair Garcia **seconded** the motion. Motion **passed** unanimously.

Chair Bennett-Woods asked for the policy to be posted.

V. **Discussion of Executive Director Evaluation Process and Timeline**

VI. **Discussion of complaint against the Director**

- a. **An Executive Session will be held to discuss complaint against the Director, a public employee, upon request of the public employee pursuant to Section 24-402(3)(b)(I), C.R.S.**

Chair Bennett-Woods advised that the critical incident report will be addressed in executive session, and Director Alvarez and Deputy Director Cantu will be joining during that discussion. At the end of that discussion, they will exit the executive session and the commission will discuss the complaint against the executive director and the Director Evaluation Process and Timeline.

Chair Bennett-Woods asked for a motion to enter executive session.

Commissioner Crona **moved** to initiate executive session. Vice-Chair Garcia **seconded** the motion. Motion **passed** unanimously with at least two-thirds of the membership present. The Commission exited open session and entered executive session on a separate line at 10:38 a.m.

At 11:30 a.m., the Commission returned to open session.

Chair Bennett-Woods asked for a motion to dismiss the formal complaint against the Executive Director.

Commissioner Thiessen **moved** to dismiss the formal complaint against the Executive Director. Commissioner Crona **seconded** the motion. Motion **passed** unanimously with at least two-thirds of the membership present.

Chair Bennett-Woods asked for a motion to delegate responsibility of drafting a response to the formal complaint to the Chair in consultation with legal counsel.

Commissioner Thiessen **moved** to delegate responsibility of drafting a response to the formal complaint to the Chair in consultation with legal counsel. Commissioner Crona **seconded** the motion. Motion **passed** unanimously with at least two-thirds of the membership present.

VII. COPG Budget Presentation (SCAO Budget Manager Robin Smart)

Robin Smart, SCAO Budget Manager provided a brief background about herself. Ms. Smart informed that Michael Henthorn, SCAO Budget Analyst II, is also present because he has more specific information regarding the budget itself. Ms. Smart asked if there were any questions regarding the budget. There were no questions.

Ms. Smart gave a high-level explanation of the budget process and the budget and legislative process for SB23-064.

- A. Chair Bennett-Woods inquired about when the initiative to assist small independent agencies be introduced.
- B. Ms. Smart stated that the bill is being drafted, it could be moved through legislative process this year, and if passed it could become effective fiscal year 2024.

Ms. Smart continued with the explanation of the process of the office expansion bill.

- C. Vice-Chair Garcia inquired about expansion and when it is projected to occur beyond the original statutory expansion.
- D. Ms. Smart stated that based on the current bill this will occur in the next 3 years.
- E. Chair Bennett-Woods asked if the fiscal note will be renegotiated at the end of this year since the office is not asking for a budget increase.
- F. Ms. Smart provided an explanation of the Fiscal note process to answer the Chair Bennett-Woods' question.
- G. Commissioner Crona inquired how do we know if the funds requested in the Fiscal note are enough to cover expansion.
- H. Director Alvarez informed that she relied on the experience of the fiscal analysts, the legislative liaisons, and bill sponsors on creating the fiscal note. Director Alvarez further explained that she provided the final report and spent time working with all of them to determine the cost.

- I. Commissioner Crona asked if a description of the complex challenges that confront most of our clients was included. Director Alvarez stated that that information was included in the drafting process.
- J. Chair Bennett-Woods asked about how the administrative unit will be funded.
- K. Ms. Smart informed that it will be separately funded and it may become a line item or separate division in the long bill.

There were no further questions.

Chair Bennett-Woods informed that the Director’s Evaluation process will be delayed to next month. Chair Bennett-Woods stated that she has some suggested changes to evaluation process that will require the Commission’s approval. Chair Bennett-Woods informed that she will send the Chair Report early for the Commission to review prior to next month’s meeting.

Vice-Chair Garcia requested a copy of the existing template of the Director’s evaluation.

VIII. Public Comment

No public Comment.

IX. Adjourn

Vice-Chair Garcia **moved** to adjourn the meeting. Commissioner Crona **seconded** the motion. Motion **passed** unanimously. Meeting adjourned at 12:02 p.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.

 Deb Bennett-Woods, Chair

 Date

 Stephanie Garcia, Vice-Chair

 Date