
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 **May 16, 2023** **RECORD OF PROCEEDINGS**

CONVENE

The meeting of the Colorado Office of Public Guardianship Commission was convened by video conference via Zoom at 9:03 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
Camille Price, Office of Public Guardianship
Loretta Vigil, Office of Public Guardianship
Teresa Esquibel, Office of Public Guardianship
America Paz Pastrana, Office of Public Guardianship
Robert Finke, General Counsel, Office of the Attorney General
Brianna Tancher, Assistant Attorney General, Office of the Attorney General

Public Attendance

Hani Raley, Executive Director, The ARC of Aurora
Jim Tatten
Marcella Schieffelin

Participation was by video conference.

AGENDA ITEMS

I. Call to Order

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

II. Approval of the April 26, 2023 Meeting Minutes

Chair Bennett-Woods asked for comments or amendments to the April 26, 2023 Commission meeting minutes.

Commissioner Crona **moved** to approve the April 26, 2023 meeting minutes as presented. Vice-Chair Garcia **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 thanked Attorney General Finke for working on the surveys for the Executive Director's Performance Evaluation.

A. Chair Bennett-Woods provided the following updates:

- Executive Director self-evaluation is due on May 31, 2023.
- Evaluation materials will be submitted to the Commission during the first week of June.
- A Commission Special Meeting is scheduled for June 20, 2023 to discuss the Director's Performance Evaluation. Full attendance by the Commission is required.

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

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

A. Director Alvarez provided the following updates:

- SB23-064 passed through the Senate and the House and now is waiting for the Governor's signature.

- Director Alvarez requested a signing ceremony, and it will be between now and June 7, 2023. Director Alvarez will send notification of the actual date. Chair Bennett-Woods asked to invite all prior commissioners to the signing ceremony. Director Alvarez agreed.
 - The fully engrossed bill was distributed with all amendments.
 - One of the main amendments was adding a state audit between 2027 and 2030.
 - Due to fiscal concerns the expansion will begin in FY2025 and due to be completed by December 31, 2030.
- B. Chair Bennett-Woods asked for an overview of what will take place between 2023 and 2024 before expanding to all other districts. Director Alvarez explained that the next 2 years will serve as a learning phase, learning how to approach the outreach and hiring process in each judicial district.
- C. Chair Bennett-Woods inquired about the continued expansion of the OBH/CMHI and criminal docket caseloads if those opportunities come up. Director Alvarez stated that is too early to say, because we have to see where the resources are in each of those communities. Director Alvarez stated that OPG must be strategic about expanding those contracts before serving those communities.
- D. Chair Bennett-Woods asked if under the new statute the OPG still has limited ability to place a client outside of a particular judicial district as long as it has the means of providing guardian services. Director Alvarez stated that considering our staffing situation it is not feasible right now, but it is not a statutory limitation.
- E. Chair Bennett-Woods inquired if it is worth considering establishing the Guardianship Academy in the upcoming year in a half for those hard to serve areas. Director Alvarez stated that is worth considering, but we still need to know the makeup of those different areas before ramping up.
- F. Director Alvarez informed that ASIA was signed into law, but it will not take effect until the next fiscal year and in the meanwhile OPG will have to renegotiate the current MOU with Judicial.
- G. Commissioner Crona asked what OPG could do to help in the development of ASIA in the time frame until ASIA will be capable of accommodate services to OPG.
- H. AG Finke informed that he has four agencies in his unit that are going into ASIA and now he is coordinating with the AG attorney representing those agencies to figure out how it is going to work. However, there will be a transition period and will try to coordinate things in a uniform fashion with all the agencies that are going into ASIA. AG Finke stated that he will keep the Commission updated throughout the process.
- I. Commissioner Crona suggested that OPG communicates its needs and predictability of its needs to ASIA as ASIA comes online.
- J. AG Finke agreed to take the initiative of taking the driver of these services rather than being the recipient of whatever we get.

- K. Commissioner Crona offered the Commission's help to support the effort and asked to keep informed of the process.
- L. Director Alvarez informed that she met with Jordan Steffen who is with the office of Child Protection Ombudsman and is also the current Chair of the administrative board that is working on forming ASIA. Director Alvarez further informed that they are holding meetings with all the Directors of the independent agencies. Director Alvarez stated that has already started participating in those meetings.
- M. AG Finke suggested for Director Alvarez to speak with Jennifer Turner who runs the BRIDGES Program. AG Finke stated that her agency is also expanding and very similar to OPG and he can provide her contact information to Director Alvarez.
- N. Vice-Chair Garcia recommended connecting with the ARC when communicating with other districts and it would be a nice entity to invite to the meet and greet meetings. Vice-Chair stated that the ARC provides services to clients in Otero County.
- O. Director Alvarez informed that she is working on the response to a CORA request from the public asking for the Director's salary and a follow up CORA request asking how many people she supervises.
- P. Chair Bennett-Woods stated that if hiring a staff attorney was not a possibility, but the AG's office is looking into hiring a qualified attorney for OPG's needs and asked for a status update. Direct Alvarez stated that she has not spoken to AG Finke about it but has done research about independent agencies hiring staff attorneys that conduct different work than what the AG's office does. AG Finke stated that he is in the process of hiring for that position and will include Director Alvarez in the process.
- Q. Vice-Chair Garcia inquired about who is responsible for filing the petitions for guardianship. AG Finke stated that OPG files the petitions for guardianship.
- R. Director Alvarez stated that OPG has not been filing the petitions, but now with the new bill assumes that the Attorney General's Office will take that over.
- S. AG Finke informed that they will be filing the petitions for guardianship from now on and any other filings including hearings and litigation.
- T. Commissioner Thiessen thanked the AG's office for all their efforts and asked AG Finke to share the job posting information with the Commission to assist in getting a better qualified candidate.
- U. AG Finke stated that when the job posting is finalized, he will share it with the commission and any stakeholders that can be of assistance in the search.
- V. Chair Bennett-Woods asked if ASIA would have an AG dedicated to representing the commission and working with OPG with everything else.
- W. AG Finke stated that the attorney dedicated to OPG will be doing probate work and another attorney from the AG's office within the same general counsel will serve the agency board.

- X. Commissioner Crona stated that the respondents in guardianship are entitled to counsel and asked what would happen when the issue arises needing court intervention between the appointment of guardian and the respondent. Commissioner Crona further inquired if it would be problematic with the AG's office ending up on both sides of the issue.
- Y. AG Finke stated that this happens often, but they have conflict laws established to deal with this kind of issue.

V. Letters of Recognition to Bill Sponsors and Legislative Liaisons on Behalf of the Commission

- A. Chair Bennett-Woods stated that the Commission should acknowledge the Legislative Liaisons and the bill sponsors who were masterful in getting OPG across this legislative process. Chair Bennett-Woods drafted the letters of recognition and asked for feedback.
- B. Commissioner Crona stated that those letters should definitely go out and in view of the volume of clients, sponsors, and stakeholders the expansion bill could not have waited another year. Commissioner Crona stated that should also express the Commission's thanks to everyone who supported OPG.
- C. Chair Bennett-Woods asked Commissioner Crona if he wished to add language to that effect. Commissioner Crona answered yes.
- D. Chair Bennett-Woods agreed to add language suggested by Commissioner Crona.
- E. Vice-Chair Garcia and Commissioner Thiessen thanked Chair Bennett-Woods for taking the initiative of drafting the letters.

Vice-Chair Garcia **moved** to approve Letters of Recognition with the amendments suggested by Commissioner Crona. Commissioner Crona **seconded** the motion. The motion **passed** unanimously.

Chair Bennett-Woods stated that the letters will go out by next week.

VI. Chair Resignation and Board Recruitment

Chair Bennett-Woods provided the following updates regarding Board Recruitment and discussed.

- Director Alvarez initiated contact with the Chief Justice and Governor's office about the process and Chair Bennett-Woods will follow up to get more details.
- The contact from the Chief Justice responded quickly but did not provide any detail about the process.

- The Governor’s office assured that the Chief Justice will meet the statutory deadlines.
- Chair Bennett-Woods met with two people from the Governor’s Office and scheduled a subsequent meeting to continue to discuss the recruitment process.
- The goal is to have the Board established by September 1, 2023.
- Director Alvarez put together a sheet with the Board summary with current Commissioner’s terms, who appointed them, and a summary of the requirements in the statute.
 - Chair Bennett-Woods was appointed by the Chief Justice and her term will expire in 2025. This is a non-attorney appointment and will be appointed by the Governor’s Office from now on.
 - Commissioner Thiessen was appointed by the Chief Justice and his term runs through 2025. It is unclear if he will need to reapply.
 - Vice-Chair Garcia is an interim appointment by the Governor’s Office and expires in Fall 2023 and she will be required to reapply.
 - Commissioner Crona’s term does not expire until 2025 but he was appointed by the Governor’s Office, and this is not allowed any more. To move onto the new board, Commissioner Crona will be required to reapply through the Chief Justice. The Governor’s Office is making a recommendation to the Chief Justice for reappointment.
 - Commissioner Fields is an interim appointment and his term expires in Fall 2023. The appointment was made by the Chief Justice, and it is unclear if he will be required to reapply.
- If all 3 attorneys continue onto the new Board, the Chief Justice will not have to recruit anyone else.
- With Chair Bennett-Woods’ resignation the Governor’s Office will be recruiting 3 to 4 positions depending on Vice-Chair Garcia’s appointment.
- We need to give the Governor’s Office recommendations; encourage people with expertise to apply, and the Governor’s Office will determine the diversity criteria.
- Each current Commissioner must send a formal request to seek reappointment to Director Alvarez or AG Finke by the end of the week.
- Vice-Chair Garcia indicated that she wishes to stay on and will complete an application.
- Commissioner Fields indicated that he wishes to continue on the Board.

VII. Public Comment

Chair Bennett-Woods informed the public that there will be an action item at the end of executive session. Chair Bennett-Woods asked for public comment.

- A. Jim Tatten stated that he tries to follow the work of OPG closely and provided his background and how it relates to his interest in the OPG office.
- Mr. Tatten is a lawyer and had been involved in state and federal policy and law-making in Colorado since 1996.
 - Personal experience started in 1996 when he became a member of the board of Advocacy Denver and through that got to know the community that has disabilities and limitations.
 - In 2008 he suffered a traumatic brain injury from an assault and became part of the community with disabilities.
 - Interested in how the Judicial Branch works, how is funded, how transparent it is, and its conduct.
 - Mr. Tatten stated that there is a huge need for OPG and thanked OPG for the great job it has done so far.

VIII. Discussion of Critical Incident Reporting

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

IX. Discussion of 2023 Judicial Branch Performance Award

- a. Specifically, the matters referred to Executive Session from Open Session in consideration of an employee matter, which the employee has requested to be discussed in Executive Session

Chair Bennett-Woods asked for a motion to enter Executive Session.

Commissioner Crona **moved** to initiate Executive Session. Commissioner Thiessen **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 10:03 a.m.

At 10:54 a.m., the Commission returned to open session.

Chair Bennett-Woods asked for motion for approval of the 2023 Judicial Branch Performance Award for Director Alvarez.

Commissioner Thiessen **moved** to approve the 2023 Judicial Branch Performance Award for Director Alvarez. Vice-Chair Garcia **seconded** the motion. The motion **passed** unanimously.

- A. Chair Bennett-Woods stated that the Director's performance evaluation will be discussed during the June 20, 2023 Special Meeting.

- B. Vice-Chair Garcia asked where to send their input for the Director's evaluation.
- C. Chair Bennett-Woods stated that it should be sent to the AG's office.
- D. Chair Bennett-Woods stated that the AG's office will send the Director's self-evaluation and survey results to the commission by the first week in June.
- E. Chair Bennett-Woods asked the Commission to turn in their Director's Evaluation the week before June 20, 2023.

X. Adjourn

Commissioner Crona **moved** to adjourn the meeting. Vice-Chair Garcia **seconded** the motion. The motion **passed** unanimously. The meeting was adjourned at 10:58 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.

Deb Bennett-Woods, Chair

Date

Stephanie Garcia, Vice-Chair

Date