

Oversight role of the Office of Public Guardianship Commission

The Office of Public Guardianship (the Office) is an independent agency within the Judicial Department, created pursuant to § 13-94-104, C.R.S. (2017). The Office is headed by a Director who serves at the pleasure of the Office of Public Guardianship Commission (Commission).

The Commission was established pursuant to § 13-94-104, C.R.S. (2017). The Commission is directed by statute to appoint the Director, who will serve “at the pleasure of the Commission.” §13-94-104, C.R.S. (2019). In addition to performing the duties and responsibilities of a Director pursuant to §§ 13-94-105, 107 and 108, C.R.S the Director must carry out “any duties assigned by the commission.” §13-94-105, C.R.S. (2019).

The Commission has found that, in order to accurately assess the performance of the Director and the Office, the Commission must be provided with information necessary to oversee the Director and the operations of the Office. The Commission directs the Director to provide, at a minimum, the following information to the Commission for advice, approval and/or informational purposes. The Director must also provide any information that he or she believes is necessary to oversee the operations of the Office.

I. Fiscal Oversight

As a body appointed to oversee a publicly funded office, the Commission has found that it has fiduciary responsibilities. To provide effective fiduciary oversight, the Director shall provide the Commission with the information necessary to assess the financial health of the Office and the fiscal stewardship of the Director, and seek approval for actions when necessary and/or appropriate. This includes, but is not limited to:

- Providing the Commission with a monthly budget summary and/or cash flow statement;
- Seeking Commission approval for capital expenditure over \$5,000.00;
- Providing the Commission with notice of any audits and a copy of any audit documents or other information.
- Seeking the advice of the Commission in the development of the annual budget;
- Seeking approval of the Commission of the annual budget;
- Alerting and seeking advice of the Commission on significant changes to the projected budget and significant changes to expenditures and revenues;
- Seeking approval of the Chair of the Commission for the out-of-state travel of the Director; and
- Seeking approval of the Chair of the Commission for credit card charges or other expenditures of the Director in excess of \$1,500.00.

II. **Programmatic Oversight**

The Commission has statutory responsibility for the hiring of a Director and determining if that Director will be retained. To fulfill this function the Commission must have access to information necessary to evaluate the performance of the Director and to assess whether the Director is fulfilling his or her duties and responsibilities under §§ 13-94-105, 107 and 108, C.R.S (2019). The Director must provide the Commission with any updates and information that the Director believes is relevant to this assessment, including but not limited to:

- Providing monthly updates on number of individuals the Office is serving;
- Seeking advice of the Commission on any additions to or other changes in the Policy and Procedures of the Office;
- Informing the Chair of any complaints against the Director and complaints regarding the operation of the Office or scope of services;
- Providing notice and seeking advice of the Commission on any actions to enter into contract or other agreements with governmental or nongovernmental organizations;
- Providing notice to the Commission of any Office staffing changes;
- Informing and/or seeking advice of the Chair and, time permitting, the Commission, of any presentations, requests, or actions before a legislative body; and
- Informing and seeking advice of the Commission on any substantive change to services impacting current or future clients of the Office.