

**OPG Commission meeting
Director Report
10.28.2020**

Purpose: The Director Report will provide detailed information about new matters, updates about the previous month's matters, and next steps for the following month. The Director will provide the Director Report to all Commission members. Questions about the Director Report will be addressed at the Commission meetings, if necessary.

Attachments for the 09.23.2020 meeting:

- Attachment 1: SCAO/Judicial Provided Monthly Budget Summary as of 09.01.2020
- Attachment 2: Judicial/OPG MOU
- Attachment 3: Policy 8. Ensuring Systemic Equity Services Standards

I. Administrative Infrastructure Update.

- a. The OPG/Director began renting one office at LawBank, 3900 E. Mexico Avenue, Denver, CO 80120. The Staff Assistant and Public Guardians will work at shared/co-working space while also continuing to work remotely:
3900 East Mexico Avenue, Suite 300
Denver, CO 80210
720.552.5215
- b. CO OPG website now has a Commission meeting calendar and audio recording of meetings will also be posted.
- c. America will send a recurring monthly calendar invitation to Commissioners for the Commission meetings.

II. **Budget and MOU Update.**

- a. I previously provided the September 2020 monthly budget report that is provided to me from Hugh Wilson/Judicial, See Attachment 1.
- b. **MOU Update – In progress**, See Attachment 2, as a confidential document until fully executed. I executed an updated MOU and am waiting for Judicial to execute.
- c. **Representative Payee, etc. issue – In progress**. AG Enck and I are waiting for contract response by Colorado Fund for People with Disabilities.

III. **Stakeholder Engagement Plan – In progress.**

IV. **Colorado OPG Pilot Program Operating Policies Updates – In progress.** Operating Policies and Manual will be posted to CO OPG Website once updates are complete.

- a. **Internal Ethics Committee – In progress**. AG Enck and I continue to research the creation of the Committee for discussion at an upcoming CO OPG Commission meeting. I am in the process of requesting IEC policies from other OPG programs and Denver Health, CU Anschutz, and Vivage.
- b. **Director On-Call Policy – In progress**. I am on-call 24/7 365 for Public Guardians and emergencies. There is already a protocol for handling referrals for times the Director is unavailable. The Staff Assistant and Public Guardians will review a referral and make a joint decision to accept the referral. The team will follow the referral protocol developed by the Director.
 - i. To address situations so allow the Director to use PTO or Extended Leave (vacation or sick leave, etc.), Chair Lesco and I determined that the Chair, or one member of the Commission should the Chair be unavailable, will be on-call

during these times that the Director is unavailable. The policy will be added to the OPG Operating Policies. I and Chair Lesco will provide proper notice to the Commission during these times.

c. **Policy 8. Ensuring Systemic Equality Services Standards – In progress, See Attachment 3.**

d. **Policy 7. COVID-19 Pandemic Policy update – In progress.**

i. **COVID-19 Work Plan – In progress.** I am developing a plan to address:

1. Work plan for a shut down or disruption in services
2. Work plan for clients contracting COVID-19
3. Work plan for employees contracting COVID-19

e. **Policy 5. Colorado OPG Fiscal Policy – Client Emergency Fund – In Progress.** I am drafting an addition to Policy 5 to allow for a Client Emergency Fund. The intent of this policy is to address true emergency needs for clients, such as funds for housing/placement and only after all community services have been pursued and exhausted. I will have a policy for review at an upcoming Commission meeting.

f. **Trainings and Projects**

i. Resource Project - Ongoing. Team review of other organization's online resources, etc. for creation of targeted and organized resources for CO OPG internal purposes and CO OPG website purposes

ii. Individual Director and guardian training for CGC National certification: In progress.

iii. 10.01.2020: Cross-training with Brothers Redevelopment

- iv. 10.02.2020: Colorado Fund for People with Disabilities training
 - v. 10.19.2020 – 10.21.2020: Attend National Guardianship Association Annual Conference. Due to the format being virtual, staff were able to “attend” all sessions.
 - vi. 10.26.2020 – 10.27.2020: I attended the National Guardianship Association Annual Conference Legal & Legislative Review
 - vii. 11.19.2020: Booster training with Lifelong, Inc.
 - viii. TBD: Data Collections Project. Team review of policies and research to assist in Director Report research needs
 - ix. TBD: Cross-training session with Colorado Cross Disability Coalition
- g. Intake Eligibility, Prioritization and Referral Process.**
- i. Update on number of registered users, referrals, accepted cases, etc. as of **10.26.2020**. An update will be provided at the 10.28.2020 meeting.
 - 1. First appointment on 08.17.2020
 - 2. 14 Active guardianships
 - 3. 89 registered users
 - 4. 66 registered referrals
 - 5. 35 accepted cases
 - 6. 8 Partial/Incomplete referrals
 - 7. 1 filed referral passed away
 - 8. 1 accepted referral passed away
 - 9. Declined referrals

1. Expired/Incomplete information – 1
2. Inappropriate referral - 2
10. 17 streamlined referrals (Non-Denver County) – Declined
 1. Arapahoe County - 3
 2. El Paso - 2
 3. Larimer County - 3
 4. Gunnison County – 1
 5. Jefferson County - 2
 6. Montrose County - 1
 7. Washington County - 1
 8. Weld County - 4

ii. Rocky Mountain Human Services

1. Momentum/Community Transition clients. This program is considering funding additional OPG FTE to primarily serve this clientele.
2. Mill Levy Program clients. I'm in discussions with the Program Director for referrals. They have approximately 50 – 60 clients they can refer to the OPG.

iii. CMHI/Ft. Logan is working with their assigned Attorney General to file petitions. They just filed the first and intend to use that as a test to file the other 3 referrals that we have accepted.

h. **Data gathering and CMS coding issues - In progress. Research Assistant.** AG Enck and I are working on a contract to hire a Research Assistant (RA) in two phases. Phase I: RA will draft a Scope of Work. Phase II: Implementation of the Scope of Work.

- i. The particular RA is a first year PhD student in Health and Behavioral Sciences at CU Anschutz and has a experience in data implementation and collection for different communities (aging, youth, etc.).

- ii. Working with SCAO on creating a webinar for Judges and Court staff
- iii. Working with Silver Key Senior Services on data collection
- iv. I reached out to a DRCOG representative, Kirsti Klaverkamp and AJ Diamontopoulos for collaboration
- v. Judge Leith and I reached out to 7th & 16th Judicial Districts Judges, regarding CO OPG streamlined referral process and possible presentation to local attorneys – In progress
- vi. 08.10.2020: Email correspondence with Jackie Glover – CU Anschutz Center for Bioethics & Humanities, possible data collection
- vii. 08.25.2020: Email correspondence with Terry Hammond – Terry Hammond Law and Consulting. Charles Golbert recommended I speak with Mr. Hammond regarding data and research

V. **Colorado OPG Strategic Plan.** Draft previously provided – no updates.

VI. **Stakeholder Meeting Update** since 09.22.2020.

- a. 09.22.2020: Phone conference with Marissa Jordan/Bluesky, Inc. of Pueblo regarding closure of Bluesky, Inc. guardianship program and referral of clients to CO OPG
- b. 09.23.2020: Phone conference with Ann Mackenzie/Silverkey regarding OPG Commission meeting

- c. 09.24.2020: Phone conference with Linda Gefroh/Social Worker regarding potential referral
- d. 09.25.2020: Meeting with Whitney Nettleton and Dave Bernhart regarding post-appointment issues
- e. 10.02.2020: Email correspondence with Carl Glatstein/attorney, regarding Admissions Agreements
- f. 10.06.2020: Phone conference with Natalie DeVille/Lutheran Family Services, regarding Admissions Agreements
- g. 10.07.2020: Meeting with Juanita Peterson/Guardianship Alliance of Colorado regarding referrals
- h. 10.13.2020: Cecelia Weihe/Kindred Hospital System regarding potential referrals to local Denver Kindred Hospital
- i. 10.14.2020: Phone conference with Lisa Canady/Denver Health ACS Care Management/Social Worker regarding OPG presentation
- j. 10.14.2020: Attend Denver Forensic Collaborative meeting
- k. 10.19.2020: Meeting with Jarrett Hughes/SAGPA – Project Manager Planning Group regarding partnership
- l. 10.22.2020: Janelle Kircher/ Denver Kindred Hospital regarding potential referral
- m. 10.23.2020: Phone conference with Jon Christianson/Good Shepherd Fund regarding partnership and potential referrals
- n. Various dates: Email and phone correspondence with Sandra Sigler, attorney, regarding potential referrals

- o. Various dates: Phone conference with Megan Leppke/Denver Health regarding potential referrals and discharge process for OPG clients and various meetings with Oasis Team
- p. Various dates: Email correspondence and meetings with Jackie Glover – CU Anschutz Center for Bioethics & Humanities, regarding December 2020 Ethics Grand Rounds presentation and possible data collection
- q. Various dates: Meetings with Chris Brock, Colorado Cross Disability Coalition Managing attorney, and Aaron Allen, Program Development Specialist, RMHS Mill Levy Program regarding collaboration for RMHS Mill Levy clients
- r. Various dates: Meetings with Karen Levine/RMHS Transitions Program Director and Deb Hutson/OBH Manager of Momentum and Transitional Services regarding contract for referrals
- s. Various dates: Email correspondence and meetings with Deb Hutson/OBH Manager of Momentum and Transitional Services regarding presentation to Ft. Logan and Pueblo Institutes
- t. Various dates: Phone conferences with Spears Driscoll/Denver County APS Social Worker regarding potential referral
- u. Various dates: Email correspondence with Sarah Elliott/Vivage Transitions Care Coordinator regarding presentation to Social Work team

Attachment 1.

OPG Personal Services and Operating Summary - FY 2021 - as of 10.01.2020

Total Appropriation	\$733,844			
	Budget	Projected Exp	Variance	
Personal Services	\$560,000	\$ 551,009	\$8,991	
Operating	\$173,844		\$159,502	Balance remaining for operating
			\$168,493	Total remaining in program line

Cash Fund Balance			
	PRIOR YEAR (FY 2020)	YTD Revenue less YTD Expenses	Projected Revenue less Projected Revenue
Total Revenue	1,038,857	97,149	1,053,789
Total Expenditures	220,886	59,338	733,844
=Net Change	817,971	37,811	319,945
Beg Fund Balance	-	817,971	817,971
= Fund Balance	817,971	855,782	1,137,916

	Pos. #	Actuals					Projections							
		July	August	September	October	November	December	January	February	March	April	May	June	Year-to-Date
Salaries														
America Paz Pastrana	87002	\$ 4,447	\$ 4,447	\$ 4,587	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 4,447	\$ 53,504
Rhonda Sanchez	87006	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 58,000
Sophia Alvarez	87001	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 9,583	\$ 115,000
Jacquelyn Beal	87003	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 60,000
Camille Price	87005	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 58,000
Erin McGavin	87004	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 4,833	\$ 58,000
Total Salaries		\$ 33,530	\$ 33,530	\$ 33,670	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 33,530	\$ 402,504
Employee Benefits		\$ 12,415	\$ 12,343	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 12,375	\$ 148,505
Total Personal Services		\$ 45,945	\$ 45,874	\$ 46,045	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 551,009
		Actuals												
1920 -Other Professional Services		\$ 1,200	\$ 10,684	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,884
2631 -Communication Services from Outside Sources		\$ -	\$ 529	\$ 266	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 795
3121 -Case Jackets		\$ -	\$ -	\$ 1,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,128
4220 -Registration Fees		\$ -	\$ -	\$ 535	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 535
4256 -Other Employee Benefits - Eco Pass - SMA declined contract		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ 1,200	\$ 11,213	\$ 1,929	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,342
Total - Program Line		\$ 47,145	\$ 57,087	\$ 47,974	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 45,905	\$ 565,351
		Over/(under) Program Line												\$168,493

MEMORANDUM OF UNDERSTANDING

**THE COLORADO JUDICIAL DEPARTMENT
and
THE OFFICE OF THE PUBLIC GUARDIANSHIP**

1. **PARTIES.** This Memorandum of Understanding (“MOU”) is made by and between the COLORADO JUDICIAL DEPARTMENT, a branch of Colorado State Government (“Judicial”) and the OFFICE OF THE PUBLIC GUARDIANSHIP (“Office”), an independent public entity pilot program within the Judicial Department. Judicial and the Office may be referred to individually as a “Party” or collectively as the “Parties.” The Parties agree as follows:
2. **RECITALS & PURPOSE.** Pursuant to C.R.S. § 13-94-104(4), Judicial and the Public Guardianship Commission (“Commission”) entered into a Memorandum of Understanding fully executed on January 29, 2018 (“Initial MOU”). The Commission entered into the Initial MOU on behalf of the Office because the Commission had not yet appointed a Director. The Commission voted to appoint a Director on September 25, 2019. The Director is responsible for establishing, developing, and administering the Office, and the Parties agree that the Initial MOU no longer reflects the needs of the Office. This MOU sets forth the Parties’ respective responsibilities to comply with C.R.S. § 13-94-104(4), establish a cooperative relationship, and retain the separate and independent status of the Office and its work.
3. **EFFECTIVE DATE; TERM; SUPERSEDING.** This MOU shall be effective upon full execution and shall continue indefinitely unless terminated due to statutory changes or replaced with a new MOU. Upon being fully executed, this MOU shall supersede the Initial MOU.
4. **FINANCIAL.** The Office may request, and Judicial staff of the State Court Administrator’s Office (“SCAO”) may provide, assistance with budgeting, purchasing, and grants.

4.1 ACCOUNTING.

- a. **Judicial Responsibilities.** Judicial will provide the Office with accounting assistance until the Office has sufficient accounting staff. Once the Office has obtained sufficient accounting staff, the Office may request, and Judicial may provide, assistance with accounting matters.
- b. **Office Responsibilities.**
 - i. The Director is responsible for payment of all bills and expenses incurred by the Office.

- ii. The Office retains authority and responsibility for ensuring that all payments comply with state law.
- iii. The Office shall follow Judicial fiscal rules.

5. **HUMAN RESOURCES.** Judicial and the Office shall maintain separate personnel rules, policies and procedures. Regardless of the duties assigned to Judicial staff or Office staff as a result of this Agreement, the staff of Judicial and the staff of the Office shall remain staff of only their current employer. As an example, but not by way of limitation, in the event of layoff of employees, no employee of one entity may “bump” an employee of the other entity. Judicial and the Office may both utilize any human resources information system implemented by the state of Colorado.

5.1 **Judicial Responsibilities.**

- a. Judicial will provide the Office with periodic updates of the Judicial System personnel rules as they become available and will maintain up-to-date postings of said Rules on the Judicial Website.
- b. The SCAO Human Resources Division shall offer guidance to the Commission for the hiring process, advertising and posting of a vacancy in the Director position, including posting such vacancy on the Judicial Department website. In addition, the Human Resource Division will offer the Commission best practices selection mechanisms such as interview questions and job description format.
- c. The SCAO Human Resources Division shall offer guidance to the Office with the hiring process, advertising and posting of personnel vacancies, including posting such vacancies on the Judicial Department website. Upon request of the Director, the SCAO Human Resources Division will offer best practices selection mechanisms such as interview questions and job description formats.
- d. Judicial will process the payroll for the Office with funds appropriated by the General Assembly for the Office, or in the cash fund created pursuant to §§ 13-94-108(1) and (2), C.R.S. (2017), as a result of gifts, grants, or donations that may be received. The Office is responsible for selecting a representative, whose identity and contact information shall be communicated to Judicial, to receive all payroll input and confirm and approve all payroll changes and data input.

- e. Judicial will assist the Office with Benefits enrollment and termination of Benefits paperwork. The Office is responsible for selecting a representative, whose identity and contact information shall be communicated to Judicial, to assist in benefits management for the Office.
- f. Judicial may assist the Director in carrying out employment terminations; however, all final termination decisions shall be made solely by the Director.
- g. Judicial shall administer all matters of worker's compensation however, subject to any terms and conditions of the respective insurance carrier, the Office shall provide final approval on all matters of worker's compensation. For the administration of short- and long-term disability, the Office shall provide paperwork to its employees. Such paperwork can be obtained at <https://www.colorado.gov/pacific/dhr/disability>

5.2 Office Responsibilities.

- a. The Director shall determine a separate personnel classification plan, compensation plan, and personnel rules. In order to facilitate the automated personnel tracking and payroll treatment of Office personnel by Judicial, Office classification and compensation plans and personnel rules should mirror the applicable provisions of the Judicial Department Personnel System to the extent appropriate.
- b. The Director will determine personnel policies, such as work hours and work policies.
- c. The Director will conduct hiring and termination of Office personnel. The Director will perform evaluations of Office personnel. The Office may ask for guidance by Judicial with annual compensation setting. Judicial, in its discretion, may provide such assistance. The Office shall create and maintain its own merit system.
- d. Payroll changes will be approved by the Director for all Office personnel. Payroll changes will be communicated to Judicial by the Director. Any such written approval may be in the form of an email.
- e. The Office shall assume responsibility, in accordance with the personnel rules adopted by the Office, for all wage and hour law compliance, and overtime calculations. In accordance with state law, the Office will timely notify Judicial of the need to generate a final check for terminations, resignations

and retirements. The Office shall also provide Judicial timely notice of new employee hiring.

- f. The Office will maintain its own leave accountability system.
- g. The Director shall have sole responsibility for performance measures including, but not limited to promotion, demotion and discipline of personnel.

6. **INFORMATION TECHNOLOGY.** The Office will develop and maintain its own website and shall purchase and maintain all of its IT systems, including equipment, servers, network, and software. Judicial shall provide the Office with a contact at the Colorado Office of Information Technology (OIT) in order for the Office to meet its system needs including but not limited to Employee Self Service (ESS) or other systems hosted and supported by OIT. Judicial shall coordinate with the Office's chosen IT vendor to the extent necessary to transition the Office to independent IT systems. For purposes of this section, the Parties shall each select a representative and communicate that representative's contact information to the other Party.

7. **OFFICE SPACE/FACILITY ISSUES.** The Office shall maintain its own premises as of October 12, 2020, including lease and facilities management issues.

7.1 **Judicial Responsibilities.** To the extent space is available, and as a continued courtesy, Judicial may provide and coordinate meeting space in the Ralph L. Carr Judicial Center (Office Tower) for Office meetings, subject to space availability.

7.2 **OPG Responsibilities.** If there is need for security at a public meeting at the Office Tower, the Office will notify Judicial and will work with the on-site Colorado State Patrol to arrange appropriate security coverage.

8. **LEGAL SERVICES.** All legal services for the Office shall be provided by the Attorney General or by outside legal services under contract with the Office, as approved by the Attorney General.

9. **AMENDMENT.** This MOU may be amended upon written agreement of the Parties.

10. **NO THIRD PARTY BENEFICIARIES.** It is expressly understood and agreed that nothing contained herein shall give or allow any claim or right of action by any other or third person not a party to this MOU. It is the express intent of the

Parties that any person other than the Parties shall be deemed to be an incidental beneficiary only.

11. **CONFIDENTIALITY.** Each Party shall treat the confidential information of the other Party with the same degree of care and protection as it affords to its own confidential information. Each Party shall notify the other Party immediately if it receives a request or demand from a third party for records or information of the other Party relating to this MOU.

IN WITNESS THEREOF, the Parties have executed this MOU on the dates set forth below.

COLORADO JUDICIAL DEPARTMENT

OFFICE OF PUBLIC GUARDIANSHIP

By: _____
Typed: Steven Vasconcellos
Title: State Court Administrator

By: *Sophia M. Alvarez*
Typed: Sophia M. Alvarez
Title: Director of the Office of Public
Guardianship

Date: _____

Date: 10.13.2020



COLORADO OFFICE OF PUBLIC GUARDIANSHIP

POLICY 8: ENSURING SYSTEMIC EQUITY
SERVICES STANDARDS

Policy 8. Ensuring Systemic Equity Services Standards

The Colorado Office of Public Guardianship (OPG) is committed to ending discrimination and racism. The Colorado OPG will lead from a systemic equity plan and use its individual and collective power to address these issues to build a diverse workplace with inclusive practices, non-discriminatory policies, race-conscious policies, and transparent reporting. The Colorado OPG is also committed to compliance with all fair employment practices.

Further, the Colorado OPG will work to contribute to the diversity and inclusivity of the communities of Colorado by following procedures where all individuals are valued, invested in, and supported towards their health and wellness.

The intent of this policy is to ensure equality in services to clients without regard to race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, ability, age, or veteran status. The term “cultural perspectives” includes members of communities based on race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, ability, age, or veteran status.

- A. The Colorado OPG will develop and implement equitable practices for, and with, our clients, their families, and other community members including:
 - I. Review of referrals to ensure that all cultural perspectives are included and recorded in the Case Management System;
 - II. Intentionally seeking and including clients’ racial, ethnic and other cultural perspectives in the development and implementation of culturally and inclusive responsive care plans for clients;
 - III. Engaging families and community members with clients in the development and implementation of appropriate cultural perspectives and effective partnerships with care providers; and
 - IV. Invite and include community members to bring multiple cultural perspectives to examining and solving issues that arise.

- B. The Colorado OPG will ensure that racial and inclusive equity guides employee actions and leads to improved client care and workplace practices by:
- I. Ensuring that client voices are always incorporated in decision-making;
 - II. Recruiting, developing, employing, supporting, training, and retaining a diverse workforce of culturally responsive administrative, instructional, and support personnel; and
 - III. Consulting with Judicial Human Resources Department for replacing any inequitable operational practices with systems that support implementation of this policy.
- C. The Colorado OPG will work to increase its individual and collective capacity to serve diverse, cultural and inclusive populations by:
- I. Ensuring a positive and supportive work environment that engages and supports every employee by following Judicial Human Resources Department non-discriminatory policies;
 - II. Collaborating as team members and administrators to create and implement culturally responsive practices;
 - III. Identifying practices that lead to the over- or under-representation of any racial, ethnic, or vulnerable group; and consideration of inclusive practices; and
 - IV. Demographic reporting of cultural perspective populations to the General Assembly.