

**OPG Commission meeting
Director Report
01.27.2022**

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 01.27.2022 meeting:

- Attachment 1: SCAO/Judicial provided FY 2021 Final Budget Summary and Monthly Budget Summary as of 01.11.2022
- Attachment 2: BY23 Budget Request and JBC materials
- Attachment 3: SMART Act 2021 Performance Plan and HB 13-1299

I. Budget and Administrative Update.

- a. I previously provided the monthly budget reports for November and December that are provided to me from Hugh Wilson, Judicial Budget Manager. **See Attachment 1.**
- b. FY22-23 Budget Request and Interim Report. **See Attachment 2.** The Budget Request was provided at the last meeting and has been posted on the website.
 - i. Commissioner Bennett-Woods and I presented the Budget Request at the Judiciary Budget Committee (JBC) Hearing on 12.15.2021. The JBC asked a couple of general questions, but no indication of whether the request would be approved or not.

- c. 12.15.2022: Commissioner Bennett-Woods, as the incoming Chair, and I met to discuss the upcoming year. More details will be provided in the Chair Report.
- d. 01.04.2022: Commissioner Bennett-Woods and I met with Alfredo Kemm, JBC Analyst regarding the legislative process and planning to make the OPG permanent. More details will be provided in the Chair Report.
- e. 01.18.2022: Commissioner Bennett-Woods and I met with Hugh Wilson regarding the legislative and budgetary processes to make the OPG permanent.
- f. 01.06.2022: Judicial Budget Structure meeting initiated by Alfredo Kemm, JBC Analyst. Preliminary meeting with Stephanie Villafuerte – Child Protection Ombudsman Executive Director, and Dino Ioannides – Independent Ethics Commission Executive Director.
 - i. Mr. Kemm suggested restructuring the Departments' budgets so that all three would be joined into an Independent Agency Division, adding a Central Administrative Unit to provide four primary support roles: 1) Budgeting/Accounting, 2) Human Resources, 3) Payroll, and 4) Procurement/Contracting (Fiscal Support)
 - ii. Each Department's budgetary responsibility is in proportion to the amount of FTE and support needed
 - iii. For Year 1, we would make a joint JBC request for General Funds to allow time for structuring and analyzing
 - iv. OPG and new independent agencies benefit the most as MOUs our MOUs are very lean in comparison to the earlier established independent agencies. OPG will benefit from more focused support roles. This structure is in line with sister/larger independent agencies with their own central

administration units, i.e. Office of the Alternate Defense Counsel

- v. There are concerns about who is “in charge” of the Central Administrative Unit, etc. and other issues to consider. However, all three Departments are willing to continue discussions. Mr. Kemm will reach out to SCAO.

- g. 12.07.2021: Quarterly meeting with OBH/RMHS Community Transitions/CHMI-Ft. Logan and Pueblo for PG serving CMHI clients. We have caseload capacity for 10 referrals:
 - 1. We accepted 7 referrals: 4 Pueblo; 3 Ft. Logan. 3 referrals have been referred to the CMHI Attorney General for filing. We are waiting for the institutes to confirm the next 3 referrals.

- h. 01.21.2022: Meeting with Hugh Wilson, Andrew Martinez – Budget Manager, OBH and Deb Hutson – Manger of Momentum, Transitional Services and ACT, OBH, regarding continued support for OBH funded Public Guardian

- i. 2022 Staff Performance Reviews. Self-evaluations were emailed 01.04.2022 and are due back to me by 02.04.2022. Reviews will be completed no later than March 2022.

- j. Spring 2022: I am scheduling meetings with staff and the staff assistant to assess the procedures, caseloads, etc. of the office. One idea generated from our December 2021 group conference was hiring a full-time Case Aide to assist with client management and PTO coverage. This need for this position has become especially important recently, as most of the staff has been ill, some with COVID, and coverage has been difficult. I have covered staff calls and client visits.

- k. Commissioner Terms: I responded to various email requests for information, eventually leading to Mr. Spencer Crona's appointment. For the second open Commission position, I followed up with the Chief Justice's Office on 01.04.2022, but I have not received a response yet.
- l. Attorney General Robert Finke completed a contract template to contract with attorneys for filing motions, etc. on behalf of OPG clients.
- m. 01.21.2022: Introduction meeting with Attorney General Robert Finke and Assistant Attorney General India Kidd-Aaron
 - i. Legal issues have come up in the last few weeks related to unsafe discharges from facilities and hospitals. Some discharges have occurred due to COVID under the Governor's Order and Crisis Standards of Care that allows hospitals to discharge without family/guardian consent.
 - ii. 01.14.2022: I met with Denver Health (DH) Director of Health Management, Amanda Thompson, about this issue, among others. She was sympathetic, but it seems this issue will not be resolved. She is assisting with scheduling a meeting with DH Legal Department. No matter how many times I ask, I am not given a direct contact to a DH Legal Department representative.
- II. The OPG SMART Act Hearing presentation is scheduled for January 24, 2022 at 11:30 a.m. I am working on updating the required Performance Plan for 2022. **See Attachment 3** Performance Plan for 2021 and HB 13-1299.
- III. I continue to work with various SCAO officials to obtain OPG access to Judicialnet and Employee Self Service portal.

- IV. Various: Meetings with Kelly O'Connor for OPG marketing needs for permanency and caregiver coaching for staff.
<https://kellyoconnor.com/>
<https://www.youtube.com/watch?v=C1oJD4Lv1-U>
- V. **Stakeholder Engagement Plan – In progress.** We did not receive enough applications. Therefore, we are in the process of reaching out to more applicants to have a more diverse Stakeholder Advisory Panel. The goal is to have a SAP in place by Spring 2022. I believe expansion will also assist in this goal.
- VI. **Colorado OPG Pilot Program Operating Policies Updates – No updates.**
- a. **Policy 8. Ensuring Systemic Equality Services Standards – Completed.**
 - b. **Policy 5. Colorado OPG Fiscal Policy – Client Emergency Fund – In Progress.** Will be considered with discontinuation plan proposal.
 - c. **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 Certified Guardian: In progress.
 - a. Erin McGavin passed her exam on 12.28.2021
 - iii. CU Anschutz Emotional and Mental Health Webinar Series in Older Adults:

- a. 11.11.2021: Enjoying a Nip, Without Doing “Too Much”
 - b. 11.18:2021: Hearing Well and How it Keeps Us Connected
 - iv. Self-paced dates: Arc of Aurora THINK+CHANGE I/DD Online Training Course: Cultivate Learning That Advances Everyone; People with Intellectual and Developmental Disabilities (IDD) and You
 - v. 10.24.2021 – 10.26.2021: National Guardianship Association Annual Conference. NGA is no longer able to provide a virtual conference option. Two public guardians will attend in person.
 - a. Guardians that attended will present at OPG Group Conferences
 - b. Guardians will each give a brief presentation at the February 2022 Commission meeting
 - vi. 01.11.2022: CGA Cognitive Tests: What they are, what they will tell you, and how to use this information, Erin Forinash, MA Occupational Therapy, CMC
- d. **Intake Eligibility, Prioritization and Referral Process.**
- i. Update on number of registered users, referrals, accepted cases, etc. as of **01.18.2022.**
 - 1. 73 Active guardianships
 - 2. 5 referrals pending in court proceedings
 - 3. 12 Partial/Incomplete referrals
 - 4. 14 *New Hold status for 6 months (now includes OBH/CHMI- Ft. Logan/Pueblo referrals that are non-OBH/Momentum contract referrals)

5. 11 clients passed away since CO OPG appointment (all non-COVID related)
6. 21 Declined referrals
 1. Expired/Incomplete information – 8
 2. Withdrawn by Ft. Logan – 1
 3. Family available to serve – 6
 4. Not incapacitated – 2
 5. Not adult - 1
 6. Texas referral - 1
 7. Nebraska referral - 1
 8. Alaska referral - 2
7. 72 streamlined referrals (Non-Denver County) – Declined
 1. Adams County – 2
 2. Arapahoe County – 11
 3. Boulder County – 5
 4. Broomfield - 1
 5. “Denver County” - 2
 6. El Paso County – 17
 7. Garfield County – 1
 8. Gunnison County – 1
 9. Huerfano County - 3
 10. Jefferson County – 3
 11. Lake County - 1
 12. La Plata County – 2
 13. Larimer County - 4
 14. Las Animas County - 2
 15. Mesa County – 1
 16. Montrose County – 2
 17. Otero County – 3
 18. Pueblo County - 5
 19. Washington County - 1
 20. Weld County – 7

e. **Data gathering - In progress.**

1. **Interim Report – Completed.** Presented at JBC hearing and posted on the website. **See Attachment 2.**

2. **Survey Data Highlights - Completed.** CRS 13-94-105 (4)(a):

1. Closed the initial Survey on September 14, 2021.
2. Grant started interviewing survey participants about the need for public guardianship services in their service areas, identifying stakeholders, and identifying successor guardians for the discontinuation plan.
3. We are considering to run a follow up survey in August 2022.

3. Grant and I are following up with stakeholders regarding cost analysis data. CRS 13-94-105 (4)(c); (4)(f):

1. Denver Department of Public Safety
2. Denver Housing Authority
3. Coalition for the Homeless
4. Denver Health: Hospital expenses and Medicaid/Medicare reimbursement
5. Various: Meeting with Deb Hutson regarding CMHI expenses and costs, collaboration, expansion and discontinuation plan.
6. We are also in the process of identifying other interviewees/case examples from all populations that OPG serves.

4. Grant continues to research and meet with Professor Pamela Teaster of Virginia Tech to discuss the cost analysis data collection (<https://liberalarts.vt.edu/departments-and-schools/department-of-human-development-and->

family-science/faculty/pamela-teaster.html). Dr. Teaster is known for her work with Public Guardianship programs. Dr. Teaster provided resources for Grant to review for cost analysis data. CRS 13-94-105 (4)(c); (4)(f).

5. I am reviewing SCAO data regarding regularly collected guardianship data to show trends in the overall Colorado appointments of guardians for adults and I/DD juveniles that may potentially need a guardian as adults. CRS 13-94-105 (4)(a).

6. I am reviewing various Funding Models of other Public Guardianship programs as well as other human service models. CRS 13-94-105 (4)(b); (4)(c); (4)(e); (4)(f); (4)(h).

7. We are gathering and reviewing the average annual cost of providing guardianship services. Costs will not be accurate and will need to be projected for mileage and time related to travel and time for attending court hearings since all court hearings have been held virtually due to the COVID-19 pandemic. CRS 13-94-105 (4)(b).

8. Various: Meeting with Lara VandenBergh – Guardianship, Department of Veteran Affairs costs of housing veterans needing a guardian as well as data for the veteran need for guardianship. Lara will provide data related to the cost savings of her guardianship program.

9. I am reviewing Department of Correction data related to costs of housing inmates needing a guardian as well as data for the inmate need for guardianship.

1. Various: Email correspondence virtual conferences with Kara Brown – Community Care Case Manager,

Department of Corrections and Dr. Janice Diaz Enriquez – Psychologist, Department of Corrections regarding referrals and data gathering collaboration. We continue with follow up meetings for data gathering.

10. 01.07.2022: Meeting with Denver Probate Court.

1. OPG provided updates as to caseload capacity, FY23 Budget Request and expansion. Probate Court agreed to make introductions to the 7th and 16th Judicial Districts Chief Judges.
2. Probate Court provided an update that OPG may receive referrals from a new Criminal Treatment Court docket.

11. Various: Email correspondence and virtual conference with Judy Ham – Executive Director – Ability Connections, Juanita Peterson – Title, Ability Connections, Brad Torch – Title, Ability Connections, and Grant Yoder regarding data and collaboration. We continue with follow up meetings for data gathering.

12. Various: Email correspondence and virtual conference with Dayton Ramirez – Executive Director – Silver Key Senior Services, Inc., Ann McKenzie – Title, Silver Key Senior Services, Inc., and Grant Yoder regarding data and collaboration, expansion and discontinuation plan. We continue with follow up meetings for data gathering.

13. Various: Email correspondence and virtual conference with Natalie DeVille – Program Director Brian Brant, Loretta Bozeman, Lutheran Family Services LifeWork Aging Solutions regarding data and collaboration, expansion and

discontinuation plan. We continue with follow up meetings for data gathering.

14. Various: Email correspondence and virtual conference with Christiano Sosa – Executive Director, The Arc of Colorado regarding data and collaboration, expansion and discontinuation plan.

15. Various: Email correspondence and virtual conference with Julie Reiskin – Executive Director and Chris Brock – Attorney, Colorado Cross-Disability Coalition regarding data and collaboration, expansion and discontinuation plan.

16. Various: Email correspondence with Carl Glatstein regarding potential coordination efforts with Colorado Bar Association. We will likely schedule a meeting after the holidays.

17. Various: Email correspondence and phone conference with Jenny Bender – Executive Director of Colorado CASA regarding the need for OPG services for juveniles graduating from the foster system as well as CASA funding and volunteer models.

18. Various: Email correspondence with Stephanie Villafuerte and Tiffany Madrid - Child Protection Ombudsman regarding DU Linked Information Network of Colorado (LINC) upon Alfredo Kemm's referral

19. 01.25.2022: Meeting with Whiteney LeBoeuf – Executive Director of Data Integrity and Analytics, Colorado Evaluation and Action Lab, Director, Linked Information Network of Colorado (LINC)

20. Various: Email correspondence with Susan Anderson – DRCOG, Case Manager-Case Management Program and Desiree Boelte, Area Agency on Aging - Manager, regarding Jefferson County data

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

VIII. **Stakeholder Meeting Update** since 12.15.2021.

- a. Various: Virtual meeting with Casey Todd – RMHS Transition Community Program regarding OBH/Momentum referrals and increasing caseload acceptance
- b. 01.06.2022: Attend Colorado Long-Term Community Ethics Committee meeting
- c. 01.12.2022: Attend Denver Forensic Collaborative meeting
- d. Various: Email correspondence and virtual meeting with Melissa Gutierrez – Mesa County Supervisor Child Welfare & Chafee Program Supervisor, Mesa County Department of Human Services regarding OPG services for juveniles graduating from the foster care system and referrals
- e. 01.11.2022: Email correspondence and virtual meeting with Emily McDonnell and Kathleen Hermann – University of Colorado Hospital regarding proposal for hospital funding to OPG for guardianships
- f. Various and 12.29.2022: Email correspondence with Medical Legal Partnership regarding filing a motion to Amend Order/Allow OPG to manage OPG client’s day to day finances to obtain and maintain long-term care Medicaid benefits

- g. 12.16.2021: Email correspondence with Megan Royal – The Center at Northridge, Case Manager regarding referral
- h. 12.20.2021: Email correspondence with Whitney Nettleton regarding referral for a juvenile client
- i. 12.21.2021: Gail Abeyta - Parkview Health System, Care Management Director, Pueblo Colorado regarding the need for OPG services and willingness to provide data
- j. Various and 01.10.2022: Email correspondence and phone conference with Kara Brown – Department of Corrections, Community Care Case Manager referral and education regarding decision-making standards and alternatives to guardianships
- k. 01.06.2022: Attend CDHS Stakeholder meeting regarding Bill Modernization of the Older Coloradans Act
- l. 01.06.2022: Email introduction correspondence with Lynn Lowe – Victim Advocate, City Attorney’s Office and Amy Delpo – Administrator of Older Adult Services, Denver Public Library
- m. Various: Email correspondence with Representative Julie McCulskie’s assistant, Maggie Larson, regarding expansion of OPG into her District.
- n. Various and 02.04.2022: Email correspondence with and virtual conference with Andrea Roelofs – Texas Health and Human Services Commission – Office of Guardianship Services, Policy Analyst. Ms. Roelofs is reviewing policies for her office and requesting assistance from other guardianship offices
- o. 01.11.2022: Email correspondence with Brooke Brestel, attorney for Boulder County Guardianship Pilot Program

- p. 01.12.2022: Email correspondence with Brad Siebenaller – Centura Health, Lead Behavioral Health Social Worker regarding a potential referral
- q. Various: Email correspondence with Judge Steven Patrick, 7th JD Chief Judge
- r. Various: Email correspondence with Judge Mark MacDonnell, 16th JD Chief Judge
- s. 01.14.2022: Phone conference with Kate Powers - Boulder County District Attorney's Office regarding OPG services
- t. Various and 01.14.2022: Email correspondence and virtual conference with Amanda Thompson - Denver Health Director of Health Management regarding unsafe discharges
- u. 01.25.2022: Attend CGA Fiduciary Forum presentation: Regulations pertinent to guardians/conservators including House Bill 17-1284
- v. 01.27.2022: Interview with Jennifer Kovaleski and Joseph Vaccarelli - Denver 7 News about the OPG office
- w. 02.05.2022: OPG training presentation to Social Work Department at CMHI – Pueblo

Attachment 1. OPG Budget Summary as of 01.11.2022

OPG Personal Services and Operating Summary - FY 2022

As of 1/11/2022

Budget Type	Budget	YTD + Projected Exp	Surplus / (Deficit)
Personal Services	\$653,000	\$ 646,417	\$6,583
Operating	\$188,253	\$ 70,776	\$117,477
Total Appropriation	\$841,253	\$717,193	\$124,060

YTD + projected expenditures
Balance remaining for operating
Total remaining in program line

	Cash Fund Balance	
	PRIOR YEAR (FY 2021)	Projected Revenue less YTD Expenses
Total Revenue	\$1,136,656	\$1,150,000
Total Expenditures	\$662,072	\$841,253
Net Change	\$474,584	\$308,747
Beg Fund Balance	\$819,590	\$1,294,174
= Fund Balance	\$1,294,174	\$1,602,921

spending authorit
projected fund ba

Salaries	Pos. #	Actuals						Projections						Year-to-Date
		July	August	September	October	November	December	January	February	March	April	May	June	
Director	87001	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 9,871	\$ 118,450
Staff Assistant	87002	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 4,580	\$ 54,965
Public Guardian	87003	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 5,150	\$ 61,800
Public Guardian	87004	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 59,740
Public Guardian	87005	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 59,740
Public Guardian	87006	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 4,978	\$ 59,740
Public Guardian	87007	\$ 3,409	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 58,409
Total Salaries		\$ 37,945	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 39,536	\$ 472,844
Employee Benefits		\$ 13,970	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 14,509	\$ 173,573
Total Personal Services		\$ 51,916	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 54,046	\$ 646,417
		Actuals						Projections						
1920 -Other Professional Services		\$ -	\$ 90	\$ 90	\$ 90	\$ 450	\$ -							\$ 720
1935 - Attorneys		\$ -	\$ -	\$ 198	\$ -	\$ 198	\$ -							\$ 396
1940 -Medical Services		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
1950 -Professional Services from Other Colorado Departments		\$ -	\$ 10	\$ 25	\$ -	\$ -	\$ -							\$ 35
1960 -Professional IT Services		\$ 600	\$ 5,319	\$ 300	\$ 5,418	\$ 548	\$ -							\$ 12,184
2255 -Rental of Meeting Rooms & Leased Space		\$ 1,802	\$ -	\$ 3,600	\$ 1,800	\$ -	\$ -							\$ 7,202
2510 -General Travel (Employee)		\$ 15	\$ -	\$ -	\$ -	\$ -	\$ -							\$ 15
2513 -Mileage Reimbursement (Employee)		\$ 72	\$ 140	\$ 717	\$ 94	\$ 797	\$ 163							\$ 1,982
2530 -General Travel		\$ -	\$ -	\$ -	\$ 897	\$ -	\$ -							\$ 897
2531 -Common Carrier Fares		\$ -	\$ -	\$ -	\$ 432	\$ -	\$ -							\$ 432
2631 -Communication Services from Outside Sources		\$ -	\$ 257	\$ 257	\$ 383	\$ -	\$ -							\$ 897
2680 -Printing & Reproduction Services - Vendors		\$ 146	\$ -	\$ -	\$ -	\$ -	\$ -							\$ 146
3113 -Clothing & Uniforms		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 36							\$ 36
2820 -Monitoring Services		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
3110 -Identification & Safety Supplies		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
3120 -Books / Periodicals / Subscriptions		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
3121 -Case Jackets		\$ 933	\$ 333	\$ 178	\$ -	\$ -	\$ -							\$ 1,444
3123 -Postage		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
3140 -Noncapitalized IT Software		\$ 1,861	\$ -	\$ -	\$ -	\$ -	\$ -							\$ 1,861
3145 -Noncapitalized IT Purchases		\$ -	\$ 5,940	\$ 155	\$ -	\$ -	\$ -							\$ 6,095
4140 -Dues & Memberships		\$ -	\$ 110	\$ -	\$ -	\$ -	\$ -							\$ 110
4170 -Miscellaneous Fees & Fines		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
4220 -Registration Fees		\$ -	\$ 24	\$ -	\$ 900	\$ -	\$ -							\$ 924
4256 -Other Employee Benefits - Eco Pass		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -							\$ -
Total		\$ 5,428	\$ 12,223	\$ 5,520	\$ 10,013	\$ 1,993	\$ 198	\$ 5,900	\$ 5,900	\$ 5,900	\$ 5,900	\$ 5,900	\$ 5,900	\$ 70,776
Avg. Operating thru October														
Total - YTD + Projections Program Line		\$ 57,344	\$ 66,268	\$ 59,566	\$ 64,059	\$ 56,038	\$ 54,244	\$ 59,946	\$ 59,946	\$ 59,946	\$ 59,946	\$ 59,946	\$ 59,946	\$ 717,193
													Over/(under) Program Line	\$124,060

Attachment 2. FY23 Budget Request and JBC Materials

JUDICIAL DEPARTMENT FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

4:45-5:00 Office of Public Guardianship (OPG)

Main Presenters:

- Sophia M. Alvarez, Executive Director
- Debra Benett-Woods, OPG Commission Chair-Elect

Topics:

- Introduction and Opening Comments: Page 3-9
- COVID-19 Remote work planning: Page 2
- One-time federal stimulus funds: Page 2
- General Questions: Page 2-3
- Requests: Page 3-9

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

As the Colorado Office of Public Guardianship (OPG) is a newly established agency it was set up as a remote office. Therefore, the office has not seen a change in its need for leased space or leased vehicles. Should the office expand, remote work will continue, but consideration will be given to leasing space and vehicles.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

Not applicable

NOTE: Additional detail has been requested in a separate written-only response.

GENERAL QUESTIONS

[Sen. Moreno] Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

Given the nature of the OPG clientele, the caseload is complex. As outlined in the Interim Report provided in the materials, our clients are incapacitated with complex diagnoses. In speaking with various stakeholders, a trend is that younger adults are being diagnosed with serious mental illnesses, which could result in more individuals needing guardians at a younger age. Individuals with serious mental illness are lacking community services and placements. In fact, the OPG was able to partner with the Office of Behavioral Health (OBH) to receive direct funding from OBH to fund a Public Guardian to serve clients transitioning from the Colorado Mental Health Institutes at Ft. Logan and Pueblo to the community. Due to the complexity and intensiveness of this caseload, we need one Public Guardian dedicated to this clientele.

[Sen. Moreno] We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same

compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

My expectation is that OPG employees can have the same opportunities and benefits as that of all of state employees.

[Sen. Rankin] Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

The OPG maintains its own IT systems and services through independent contractors. The OPG does not receive assistance from the Courts.

Annual cost of \$62,661.83 includes IT systems, case management system hosting, maintenance, updates, hardware, and software for 7 staff, and website maintenance. IT needs and expenses are expected to increase as the office expands.

One FTE Staff Assistant primarily serves as the point of contact for IT issues and IT training for staff.

[Rep. McCluskie] Provide an overview about specific positions that have been extraordinarily hard to fill.

Not applicable

REQUESTS

[Staff] Please discuss the Office's request item.

Given the success of the Denver Pilot Program and having adequate cash funds, OPG would now like to expand the program to the 7th and 16th Judicial Districts as envisioned by the original legislation. Expanding services to these two districts will also enable the Office to gather data from a more diverse client population and thereby augment and enrich the information collected for the program evaluation required by Section 13-94-105(4), C.R.S., which is due to the General Assembly in January 2023.

Please see the following Interim Report that highlights the successes of the OPG Pilot Program. Included with the Interim Report is Attachment 1 with some preliminary findings of an August 2021 statewide survey to assess Colorado's unmet need for public guardianship services.

In total, the OPG has served 84 clients in its first 18 months of operation. Thirty-three referrals are in a pending status. The OPG has handled at least 35 general inquiries about services, guardianship procedures, and interstate guardianship requests.

An additional 103 referrals have been denied or withdrawn for various reasons related to eligibility. El Paso County (4th Judicial District) is the most referred residence outside of the 2nd Judicial District. In fact, results from a statewide survey of unmet guardianship needs in August 2021 reveals an ongoing high demand for services. The 2022 – 2023 OPG Budget Request and Expansion allows the Office to meet the original statutory intent of serving the 2nd, 7th and 16th Judicial Districts and will allow for pilot data that reflects the needs of non-metro and rural areas of the state.

The primary stakeholder feedback we receive is when will the OPG be able to serve residents of other counties.

To make this expansion possible, the Office is requesting 4.0 FTE including a deputy director who will assist the executive director in fulfilling all statutory requirements and supervise program expansion into the two additional districts. The remaining three positions are for additional guardian FTE.

The additional FTE will also allow the OPG to create a Pilot Guardianship Academy. This collaborative program will educate volunteers in several key areas including guardianship standards, best practices, least restrictive options, advance planning, successor guardianship planning, and supported decision-making options. A central goal of the Guardianship Academy is to establish a cadre of volunteer guardians/powers of attorney/representative payees/supports to serve as additional community-based resources for indigent and incapacitated adults.

The Office of Public Guardianship Cash Fund, which is created by Section 13-94-108, C.R.S., had a balance of \$1,269,229 at the end of Fiscal Year 2021. Fiscal Year 2021 revenues were \$1.17 million while expenses were about \$700,000. As such, the Office is confident the cash fund can support the additional expenses associated with this request in Fiscal Year 2023 and thereafter.

Colorado Office of Public Guardianship Interim Report December 2021

Mission Statement

The Mission of the Colorado Office of Public Guardianship (OPG) is to provide guardianship services for indigent and incapacitated adults, within the targeted judicial district, when other guardianship possibilities are exhausted. If Colorado adults lack willing and appropriate family or friends, resources to compensate a private guardian, and access to public service organizations that offer guardianship, the Colorado OPG Pilot Program provides guardianship services to secure the health and safety of these individuals while safeguarding their individual rights and preserving their independence wherever possible.

Executive Summary

Although HB17-1087, the original OPG pilot project statute, was signed into law in 2017, funding was not secured until an amendment in 2019, which limited the pilot project to the 2nd Judicial District/Denver County. The Executive Director was hired effective November of 2019 and the basic infrastructure for the Office, including initial staff hires was completed in less than six months. Despite the barriers presented by the COVID-19 pandemic, the OPG began accepting referrals in April of 2020 and was serving a caseload of 20 clients by the end of the year. As of the end of November 2021, the caseload has grown to 73 clients and expanded services with the addition of a public guardian, funded by and dedicated to the Office of Behavioral Health, to serve transitioning clients in the Momentum program. In total, the OPG has served 84 clients in its first 18 months of operation. Thirty-three referrals are in a pending status. The OPG has handled at least 35 general inquiries about services, guardianship procedures, and interstate guardianship requests.

An additional 103 referrals have been denied or withdrawn for various reasons related to eligibility. El Paso County (4th Judicial District) is the most referred residence outside of the 2nd Judicial District. In fact, results from a statewide survey of unmet guardianship needs in August 2021 reveals an ongoing high demand for services. The 2022 – 2023 OPG Budget Request and Expansion allows the Office to meet the original statutory intent of serving the 2nd, 7th and 16th Judicial Districts and will allow for pilot data that reflects the needs of non-metro and rural areas of the state.

2020

- January 2020: 1 Staff Assistant and 4 Public Guardians were hired
- April 2020: Began accepting referrals
 - Case Management System
 - Website and on-line referral system
 - Contracted with Colorado Fund for People with Disabilities to provide SSA Representative Payee and Veterans Benefits Administration Fiduciary services to OPG clients
- August 2020: First guardianship appointment
- Challenges in offering services
 - March 2020: COVID 19 Pandemic declared

- Supreme Court and Denver Probate Court Administrative Orders limiting Denver Probate court only hearing emergency guardianship petitions
- Facilities not accepting new patients due to the COVID-19 pandemic
- Hospitals not seeking guardianships due to COVID-19 pandemic delays
- Referring parties’ need for legal counsel to file petitions
- Referring parties’ expense of legal counsel to file petitions

Despite these challenges, by December 2020, the OPG was appointed guardian for 20 clients. Populations served:

Dementia related diagnoses	Intellectual/Developmental disability	Cognitive/Traumatic Brain Injury or Neurological disorder	Severe Mental Health Illness (schizophrenia and/or bipolar diagnosis)
5	3	10	2

2021

- Denver Probate Court and Chief Justice Order to create **OPG Statement of Indigency** to waive court costs and filing fees
- Ability to **contract with attorneys and legal agencies** to file petitions to nominate the OPG as guardian
- OPG provided **Letter of Support** to assist Colorado Fund for People with Disabilities to receive NextFifty Initiative grant to provide free SSA Representative Payee services to OPG clients age 50 and older
- Seeking statewide Stakeholder Advisory Panel applications
- July 2021: **Office of Behavioral Health (OBH) funding** for **1 additional Public Guardian** to serve Momentum clients transitioning from CMHI - Ft. Logan and CMHI – Pueblo to the community
- August 2021: Statewide Survey to assess **Colorado’s unmet need to public guardianship services** - see Attachment 1.

OPG Caseload as of November 1, 2021

- a. OPG capacity is 80 clients. The OPG is appointed guardian for **73 clients** with 6 referrals pending in court proceedings
- b. OBH Public Guardian capacity is for 10 clients; 5 referrals pending

73 clients: Male 45: Female 28

8 Veterans

Dementia related diagnoses	Intellectual/Developmental disability	Cognitive/Traumatic Brain Injury or Neurological disorder	Severe Mental Health Illness (schizophrenia and/or bipolar diagnosis)
24	9	22	18

Ages served: 21 – 30	30-45	45-60	60-75	75-90
5	5	24	25	14

Indigency: Social Security Administration benefits (SSI, Survivors, and SSDI) are the primary income source for clients.

Some clients had no income.

1 client receives Veteran Affairs Benefits and only 2 clients receive a monthly pension from previous employment.

Initial Number of **Homeless** Clients: 47

2022 – 2023 OPG Budget Request and Expansion

- The request meets the original statutory intent of serving the **2nd Judicial District** and
 - **1 Public Guardian: 7th Judicial District** Counties: Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel
 - **1 Public Guardian: 16th Judicial District** Counties: Bent, Crowley, Otero
 - **1 Deputy Director:** Assist the Executive Director with expansion, supervision, Director Report data collection

Attachment 1 - Statewide Survey to Assess Colorado’s Unmet Need for Public Guardianship Services

An online survey was generated with the assistance of a graduate research assistant from the University of Colorado. The survey was published via email and on the OPG website to various stakeholders across the state in August 2021 – September 2021. Stakeholders included direct service providers and their administrators, such as the Department of Health and Human Services – Adult Protective Services, the Department of Corrections, private guardians, guardian agencies, hospitals, departments of public safety, etc. A total of 342 surveys were emailed, 338 individuals started the survey, and 254 individuals ultimately provided data. Survey results represented ALL judicial districts.

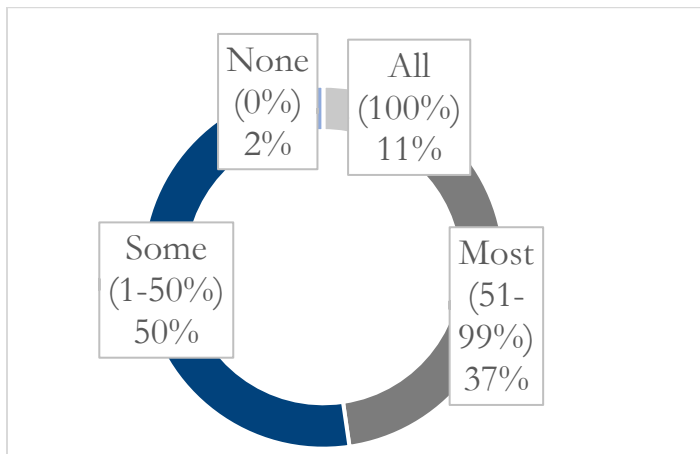
The next is completing statewide interviews of various stakeholders to highlight the challenges faced in areas where the OPG is unavailable and to highlight the positive impact of OPG services.

Preliminary Findings

Primary Obstacles in Establishing Guardianships

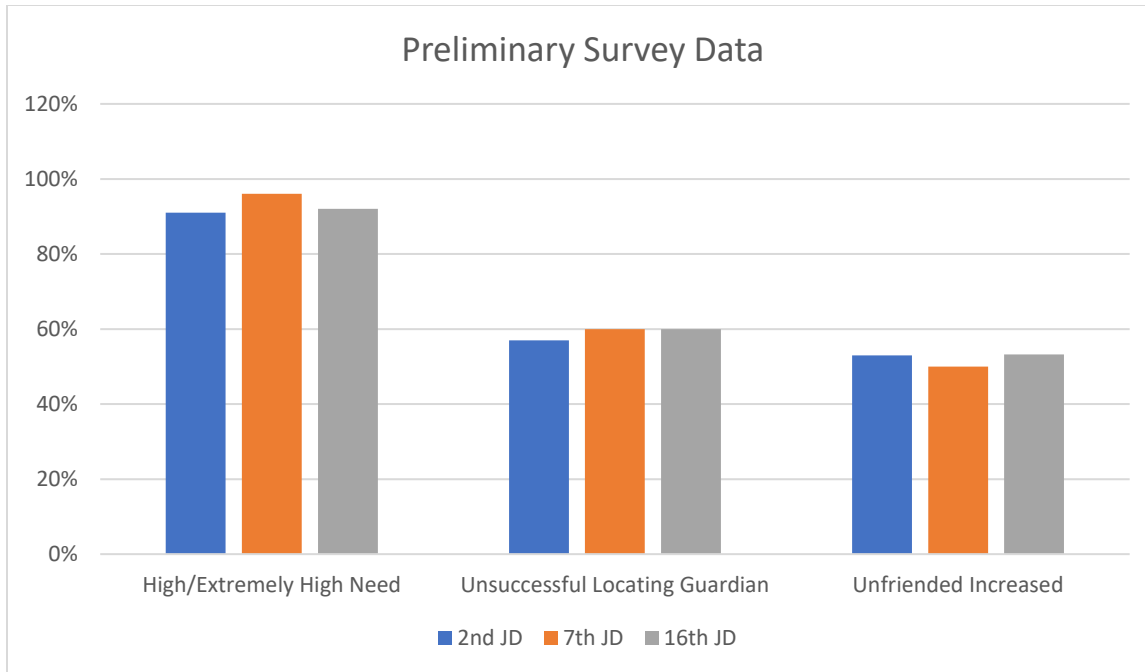
- Lack of available family and friends to serve as guardians
- Lack of available guardians/services

98% of direct service providers indicated that at least **SOME** (50%) of their clients would benefit from guardianship services



Of those who lack decisional capacity how many would benefit from guardianship services?
(Direct Service, n=130)

88% of all participants indicated there was a **HIGH** or **EXTREMELY HIGH** need for Public Guardianship services in their community



On average, **93%** of participants indicated there was a *HIGH* or *EXTREMELY HIGH* need for Public Guardianship services in the 2nd, 7th and 16th Judicial Districts

On average, **59%** of participants indicated they were unsuccessful in locating a guardian in their service area within the 2nd, 7th and 16th Judicial Districts

On average, **52%** of participants indicated that the population of clients without available friends or family to serve as guardian increased in their service area within the 2nd, 7th and 16th Judicial Districts

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

Not applicable.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

Not applicable.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The Office has not spent any money on public awareness campaigns to date.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

Not applicable.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI (Consumer Price Index)? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

Not applicable.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Given the nature of the Office clientele, our caseload is complex. The Office serves varied populations of incapacitated adults with complex diagnoses. In speaking with various stakeholders, a trend is that younger adults are being diagnosed with serious mental illnesses, which could result in more individuals needing guardians at a younger age. Individuals with serious mental illness are lacking community services and placements. In fact, the OPG was able to partner with the Office of Behavioral Health (OBH) to receive direct funding from OBH to fund a Public Guardian to serve clients transitioning from the Colorado Mental Health Institutes at Ft. Logan and Pueblo to the community. Due to the complexity and intensiveness of this caseload, we need one Public Guardian dedicated to this clientele. Data from a statewide survey the Office conducted in August 2021 the trends are that the aging population is increasing as well as the "unfriended" population. The "unfriended" population consists of individuals that have no family or friends able or willing to serve as supports or guardian. Given the trends and the varied and complex populations that the Office serves it is likely that the need for Public Guardians will only continue to increase across the State.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

The Office has not created any positions on its own.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

Due to the Office's success, we have reached caseload capacity with our current level of staffing. The Office requests 4 additional FTE to expand the Pilot Program and to serve the anticipated caseload growth. Three of the additional guardian FTE will have the same training and skills as existing guardian FTE. The other additional FTE will be a

Deputy Director. This position requires training and skills beyond the current guardian FTE.

1 guardian FTE carries a caseload of 20 clients as per the national best practice standard. To address the expansion areas and anticipated caseload growth, one FTE per Judicial District was determined to be appropriate.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.
Not applicable.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?
The Office has experienced minimal vacancy savings as all positions have been filled. The Office does not anticipate any vacancy savings in the FY 2021-22 and FY 2022-23.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:
- List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
 - For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.
 - List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

Judicial/Courts and Probation will have the answer to this question as it pertains to OPG in their response to this question.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.
Not applicable.

COLORADO OFFICE OF PUBLIC GUARDIANSHIP PILOT PROGRAM



SMART Act Hearing

Performance Plan

01.25.2021

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MISSION AND VALUES

EXECUTIVE SUMMARY

The Colorado Office of Public Guardianship (OPG) Pilot Program established by the Colorado General Assembly will strive to meet the guardianship needs of incapacitated and indigent adults, within the targeted judicial district, who lack willing or appropriate family or friends, while implementing the least restrictive alternatives and person-centered planning. The Colorado OPG Pilot Program will assess the need for, and feasibility of, a statewide office of public guardianship services and provide detailed recommendations for action to the Colorado General Assembly by January 1, 2023.

MISSION STATEMENT

The Mission of the Colorado OPG Pilot Program is to provide guardianship services for indigent and incapacitated adults, within the targeted judicial district, when other guardianship possibilities are exhausted. If Colorado adults lack willing and appropriate family or friends, resources to compensate a private guardian, and access to public service organizations that offer guardianship, the Colorado OPG Pilot Program provides guardianship services to secure the health and safety of these individuals while safeguarding their individual rights and preserving their independence wherever possible.

VALUE STATEMENTS

Dignity: At-risk adults are treated with individual dignity and respect.

Self-determination: The concerns and decisions of at-risk adults are, to the greatest extent possible, considered with the assistance to regain or develop capacities and participate in supported decision-making and person-centered planning.

Access and Quality: At-risk adults should receive timely access to appropriate services, consistent with best practice, to ensure personal safety and well-being.

Collaboration: The Colorado OPG Pilot Program actively seeks collaborative relationships with governmental and community stakeholders to maximize resources and support continuous improvement of policies and processes.

Accountability and Transparency: Outcomes of the Colorado OPG Pilot Program are defined, documented and made available to the Colorado General Assembly and the public, as required by statute, accurately and on a timely basis.

VISION STATEMENT

The Colorado OPG Pilot Program will serve at-risk adults, within the targeted judicial district, with dignity and collaborate with stakeholders to assist in ensuring individuals receive appropriate public guardianship services. The Colorado OPG Pilot Program will educate stakeholders of the value and dignity of at-risk adults to consistently implement least restrictive alternatives and supportive decision-making to ensure the appropriate level of public guardianship is tailored on an individual basis.

AGENCY OVERVIEW

GOVERNING AUTHORITY

The Colorado Office of Public Guardianship (OPG) is a public agency established by the Colorado General Assembly. The Director and the Governing Body have the decision-making authority to determine agency policy. The Director serves at the pleasure of the Governing Body pursuant to § 13-94-104(3), C.R.S. (2019).

Pursuant to § 13-94-104(1), C.R.S. (2017), the Colorado General Assembly created the Office of Public Guardianship within the Judicial Department.

The OPG is a pilot program initially operating in the Second Judicial District and subsequently the Seventh and Sixteenth Judicial Districts conditional upon securing additional funding effective until June 30, 2023, at which time the agency will either continue, discontinue, or be expanded by the General Assembly pursuant to § 13-94-111, C.R.S. (2019).

GOVERNING BODY

The Colorado Office of Public Guardianship (OPG) Commission is the Governing Body of the Colorado OPG.

Pursuant to § 13-94-104(1), C.R.S. (2017), the Colorado General Assembly created the Office of Public Guardianship Commission. The Commission is comprised of 5 members. Three of the members are appointed by the Colorado Supreme Court, of which two must be attorneys admitted to practice law in Colorado and one must be a resident of Colorado not admitted to practice law. The remaining two members are appointed by the Governor, one who must be an attorney admitted to practice law in this state and one who must be a resident of Colorado not admitted to practice law.

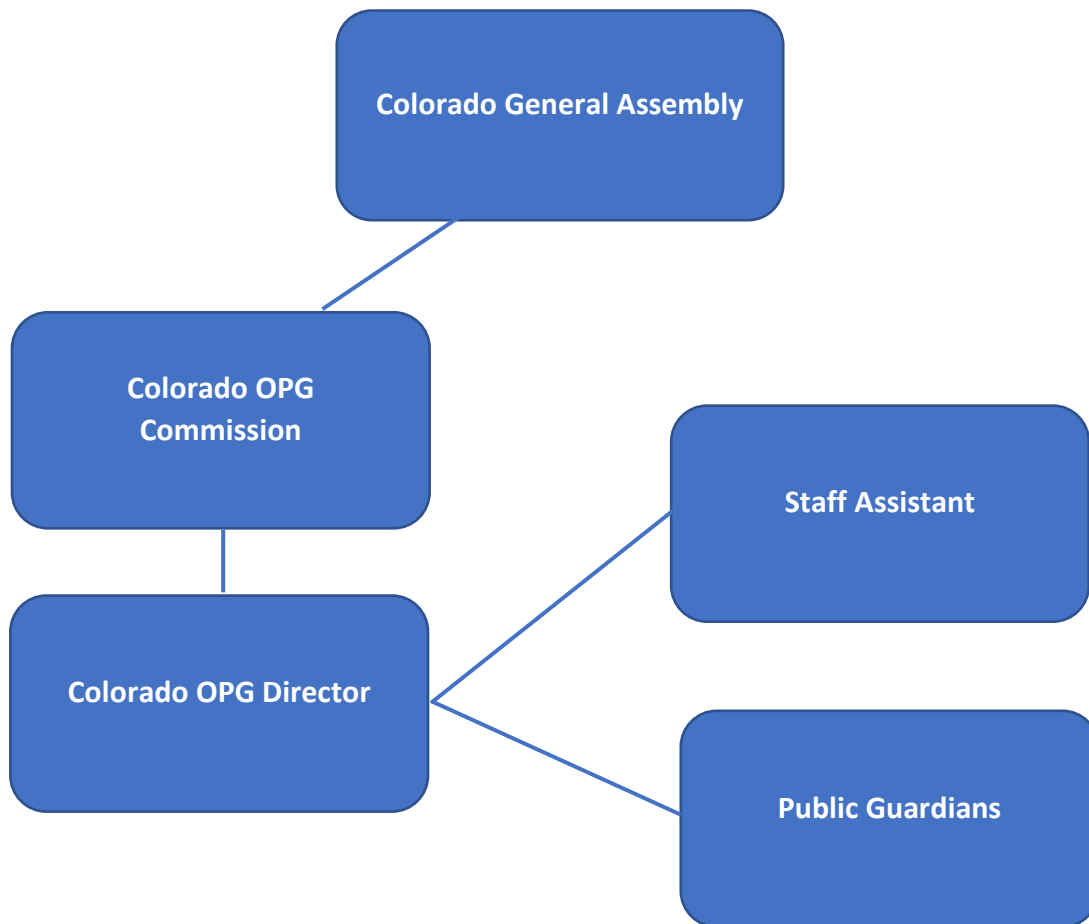
Pursuant to HB 19-1045, signed into law on May 30, 2019, effective on July 1, 2019, the Commission is charged with appointing the Director for the Office of Public Guardianship. The Director serves at the pleasure of the Commission pursuant to § 13-94-104(3), C.R.S. (2019).

ORGANIZATIONAL STRUCTURE

The Colorado Office of Public Guardianship (OPG) operates at arms-length and functions independently from the Judicial Branch and other entities providing direct services and courts having direct decision-making authority.

The Colorado OPG operates separately from the services which many wards will need to access. This separation of powers ensures that Public Guardians are not providing services by contract or directly so that no conflict of interest or potential conflict of interest to the possible detriment to the ward.

STRUCTURAL OVERVIEW



DUTIES AND SERVICES PROVIDED BY THE OPG

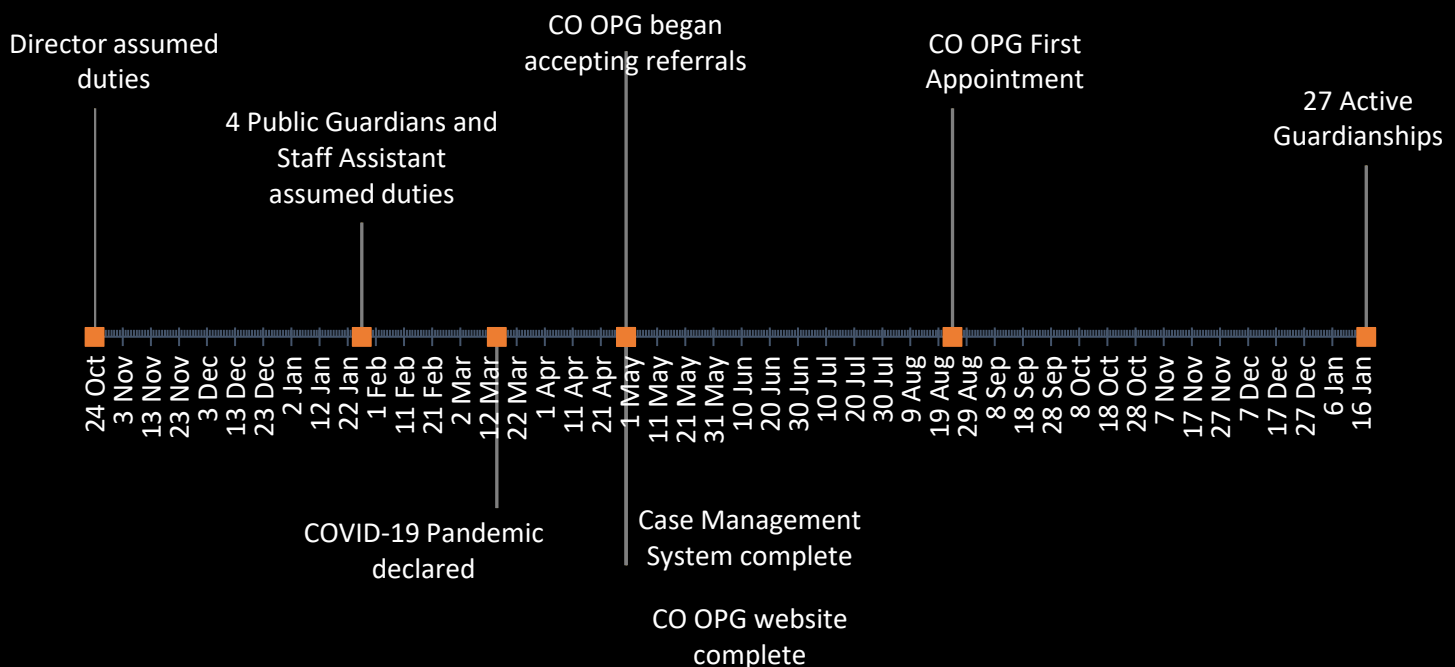
The Colorado Office of Public Guardianship (OPG) shall provide guardianship services; gather data to help the general assembly determine the need for, and the feasibility of, a statewide office of public guardianship; and that the office is a pilot program, to be evaluated and then continued, discontinued, or expanded at the discretion of the general assembly in 2023.

REPORTING REQUIREMENTS

1. On or before January 1, 2023, the Director shall submit to the judiciary committees of the senate and house of representatives, or to any successor committees, a report concerning the office.
2. The Report, at a minimum, must:
 - a. Quantify, to the extent possible, Colorado's unmet need for public guardianship services for indigent and incapacitated adults;
 - b. Quantify, to the extent possible, the average annual cost of providing guardianship services to indigent and incapacitated adults;
 - c. Quantify, to the extent possible, the net cost or benefit, if any, to the state that may result from the provision of guardianship services to each indigent and incapacitated adult in each judicial district of the state;
 - d. Identify any notable efficiencies or obstacles that the office incurred in providing public guardianship services pursuant to statute;
 - e. Assess whether an independent statewide office of public guardianship or a nonprofit agency is preferable and feasible;
 - f. Analyze costs of and off-setting savings to the state from the delivery of public guardianship services;
 - g. Provide uniform and consistent data elements regarding service delivery in aggregate format that does not include any personal identifying information of any adult; and
 - h. Assess funding models and viable funding sources for an independent office of public guardianship or a nonprofit agency, including the possibility of funding with a statewide increase in probate court filing fees.
3. The Director, in consultation with the OPG Commission, shall develop a strategy for the discontinuation of the office in the event that the general assembly declines to continue or expand the office in 2023. The strategy must include consideration of how to meet the guardianship needs of adults who will no longer be able to receive guardianship services from the office.

Establishment and Development of the Colorado Office of Public Guardianship

OVERVIEW



OFFICE INFRASTRUCTURE

- The Director started on October 21, 2019. The Director began engaging with stakeholders and establishing a case management system, among her other duties as outlined in 13-94-102 C.R.S. (2019). Four Public Guardians and a Staff Assistant began on January 27, 2020.

Staff has completed continuous training, both in-house and by external organizations. The Director and the Public Guardians are in the process of completing training and an examination to become a Center for Guardianship Certification National Certified Guardian. Staff continues to complete various research and client-based projects, such as compiling available services for clients. Public Guardians will have an eventual caseload of approximately 20 clients, in line with national best practice standards. The Director and Public Guardians are on-call 24/7 for client

needs and emergencies. The Director directly supervises the Public Guardians and Staff Assistant, at a minimum, on a weekly basis through individual case conferences, group conferences and administration meetings.

- COVID-19 Pandemic declared nationally
- The Colorado OPG website went live in April 2020. Prior to that, the Commission web site was active. The web site provides information about the OPG and houses the referral process. The web site was designed to coordinate with the Case Management System: <https://colorado-opg.org/>
- The Case Management System (CMS) was completed in April 2020. The cost of the Case Management System (CMS) came in right above the budgeted cost of the 2017 budget request, about \$300,425.11, at the end of the FY20. There are ongoing maintenance and licensing expenses.
 - i. The CMS serves many purposes, as outlined in C.R.S. 13-94-105:
 1. Housing the referral process, referral, and client data
 2. Maintaining client data to serve clients
 3. Creation of court documents for various court proceedings and processes
 4. Data gathering abilities for the 2023 Director Report
 5. Tracking Complaints against the OPG, of which there have not been any formal complaints following the OPG process
- The Colorado OPG began accepting referrals on April 30, 2020. The goal was March 2020. The one-month delay was due to the referral process and serving clients requiring that the Case Management System be completed. Additionally, the delay was due to the COVID-19 pandemic starting in March 2020. This led to emergency discussions at OPG Commission meetings about whether to start accepting referrals amid a pandemic. A further delay in the OPG's first court-appointment as Guardian was due to barriers faced by referring parties in obtaining legal representation
- In October 2020, the Colorado OPG office moved to a shared workspace community, allowing the staff to work from home, in the community, and in an office.

COLORADO OPG CASELOAD AS OF JANUARY 18, 2021

The Colorado OPG is appointed Guardian for 27 clients. The breakdown of client population served:

Dementia related diagnoses	Intellectual/Developmental disability	Cognitive/Traumatic Brain Injury or Neurological disorder	Severe Mental Health Illness (schizophrenia and/or bipolar)
7	4	14	2

The Colorado OPG receives referrals from many sources, including referrals from other states:

1. Hospitals
2. Attorneys
3. Guardians ad Litem
4. Facility Social Workers
5. Adult Protective Services
6. Rocky Mountain Human Services
7. CDHS – Ft. Logan
8. CDHS - Pueblo
9. Denver Forensic Collaborative members

The Colorado OPG has accepted 24 referrals that are pending in court proceedings. Ideally, the Colorado OPF will be appointed as guardian for all 24 cases. The Colorado OPG has eight incomplete referrals it is currently reviewing. These referrals require more information provided to the Colorado OPG to determine acceptance or declination. Two appointments were terminated due to the client deaths (non-COVID-19 pandemic related). The Colorado OPG declined two referrals that were incomplete, and the referring party did not provide additional information. Three referrals were withdrawn due to the referring party indicating the Colorado OPG services were no longer needed. Three referrals were withdrawn due to the alleged incapacitated person passing away prior to the appointment of a guardian.

The Colorado OPG declined 20 referrals due to the alleged incapacitated person living outside of the 2nd Judicial District and therefore, not statutorily eligible. The breakdown of the 20 referrals: 6 – Arapahoe County, 2 – El Paso County, 1 – Gunnison County, 2 – Jefferson County, 3 – Larimer County, 1 – Montrose County, 1 – Washington County, and 4 – Weld County.

Based on the current rate of referrals and court proceedings, it is anticipated that the Colorado OPG will reach capacity by April 2021.

IMPACT OF COVID-19 PANDEMIC

The Colorado OPG began accepting referrals on April 30, 2020 early on during the COVID-19 pandemic. The first referral was received on June 4, 2020 and the Colorado OPG's first appointment was on August 24, 2020.

There were/are four main issues that delayed the appointment of the Colorado OPG as guardian: Supreme Court and Denver Probate Court Administrative Orders Regarding Court Operations under COVID-19; hospitals not seeking a guardianship due to COVID-19 pandemic delays, facilities not accepting new patients due to the COVID-19 pandemic, and barriers for referring parties in obtaining legal representation.

Due to the COVID-19 pandemic Denver Probate Court was unable to address petitions for permanent guardianship for at least three months which delayed the appointment of the Colorado OPG as guardian. Once a petition for guardianship is filed, a hearing on the appointment of guardianship is typically scheduled within 30 – 60 days, depending on the court's docket.

Due to the COVID-19 pandemic, hospitals were not making as many referrals for guardianship knowing that the Denver Probate Court was unable to address petitions for permanent guardianship and that facilities were not accepting patients due to the COVID-19 pandemic.

A delay in the Colorado OPG appointment as guardian was also due to referring parties facing barriers in obtaining legal representation. There were two referrals withdrawn due to the referring party not having funds to hire legal counsel and/or pay the filing and court fees. There were 8 cases where the referring party declined to file a referral due to not having funds to hire legal counsel and/or pay the filing and court fees. The Director reached out to the Denver Bar Association as well as other attorneys and organizations to help facilitate the referring parties to obtain legal representation. The Director continues to search for options to eliminating this barrier.

OPG PERFORMANCE GOALS, OBJECTIVES, AND STRATEGIES

Goal 1: Provide appropriate and quality public guardianship services within the targeted judicial district

The Colorado OPG Pilot Program is committed to addressing the individual needs of eligible adults. The Colorado OPG Pilot Program will establish best practice standards to ensure it is meeting the needs of eligible adults.

Objective 1.1: Establish appropriate eligibility criteria in line with the Colorado OPG Pilot Program statutory mandates.

Strategy 1.1A: Formulate an intake, referral, and acceptance process that allows for confidential information sharing regarding referred individual's indigency, level and type of incapacity, that no other persons are available or appropriate to serve as guardian, and that the referred individual is not subject to a petition filed by a county Adult Protective Services.

Strategy 1.1B: Formulate a case acceptance policy in consideration of Public Guardians' experience, training and complexity of referred case.

Strategy 1.1D: Formulate a Colorado OPG Pilot Program intake and referral narrative to educate clients, the public, providers, and stakeholders.

Objective 1.2: Alternatives to guardianship.

Strategy 1.2A: Formulate an intake and referral process that allows for the consideration of least restrictive alternatives to ensure that the Colorado OPG Pilot Program is serving eligible adults.

Strategy 1.2B: Formulate a Colorado OPG Pilot Program alternatives to guardianship narrative to educate clients, the public, providers, and stakeholders.

Strategy 1.2C: Promote alternatives to guardianships education, training and clinics to educate clients, the public, providers, and stakeholders.

Objective 1.3: Establish ethics and best practices standards for Public Guardians and staff.

Strategy 1.3A: Establish and document minimum qualifications of Public Guardians and staff and hire four (4) Public Guardians and a Staff Assistant.

Strategy 1.3B: Establish best practices standards, including a conflict of interest policy, in line with the National Guardianship Association standards.

Strategy 1.3C: Provide initial and ongoing training of standards to Public Guardians and Staff Assistant.

Strategy 1.3D: Formulate a Colorado OPG Pilot Program best practices and standards of practice narrative to educate clients, the public, providers, and stakeholders.

Objective 1.4: Assess the needs of the clients.

Strategy 1.4A: Obtain thorough court visitor investigator reports.

Strategy 1.4B: Obtain thorough clinical evaluations.

Strategy 1.4C: Identify appropriate assessments and train Public Guardians to perform assessments.

Strategy 1.4D: Promote effective communication between Public Guardians and clients.

Strategy 1.4E: Promote effective communication between Public Guardians and service providers.

Strategy 1.4F: Formulate individualized client case plans.

Strategy 1.4G: Formulate a Colorado OPG Pilot Program narrative regarding the necessity of thorough reports and evaluations to assess client eligibility and ongoing and appropriate client needs to educate clients, the public, providers, and stakeholders.

Strategy 1.4H: Communicate the necessity for thorough reports and evaluations to clients, the public, providers, and stakeholders.

Strategy 1.4I: Promote quality education and training for court visitor investigators and clinicians.

Objective 1.5: Increase client access to appropriate services.

Strategy 1.5A: Formulate a Colorado OPG Pilot Program narrative regarding the need for appropriate services, including, but not limited to: housing, mental health services, medical services, and appropriate direct-care providers.

Strategy 1.5B: Identify, establish, and maintain relationships with direct-care providers and various stakeholders to collaborate on increasing client access to appropriate services.

Strategy 1.5C: Identify, establish, and maintain relationships with local, state and federal governmental agencies to collaborate on increasing client access to appropriate services.

Goal 1 Process and Metrics

Provide appropriate and quality public guardianship services within the targeted judicial district

Objective 1.1: Establish appropriate eligibility criteria in line with the Colorado OPG Pilot Program statutory mandates.

The Case Management System houses eligibility and additional data for referrals. An intake case acceptance process and criteria are established and maintained in accordance with the Colorado Public Guardianship Act, national best practices and Colorado OPG policies and procedures. Consideration of Public Guardian's experience and ability to provide quality services occurs with every referral.

A streamlined referral option is available to gather data related to the need for public guardianship services outside of the targeted Judicial District.

An intake and referral narrative are available on the Colorado OPG website to educate clients, the public, providers, and stakeholders.

Objective 1.2: Alternatives to guardianship.

The Director completes a full review of referrals, which includes ensuring that the referral meets all statutory requirements and the necessity of a guardianship. Review includes a showing that least restrictive alternatives (alternatives to guardianship) have been attempted and ineffective.

The Director continuously educates various stakeholders about least restrictive alternatives to guardianship.

Objective 1.3: Establish ethics and best practices standards for Public Guardians and staff.

The Colorado OPG procedures and policies include ethics, conflict of interest, and best practices for Public Guardians and staff in accordance with the Colorado Public Guardianship Act, national best practices and Colorado OPG policies and procedures. Minimum qualifications were established in order to hire Public Guardians and the staff assistant.

Staff completes continuous trainings related to available services, compassion fatigue, communicating and interacting with clients, cultural competency, fiduciary best practices, National Guardianship Association annual conference, training for Certified Guardianship Certification National Certified Guardian.

Objective 1.4: Assess the needs of the clients.

As part of the referral process, the Colorado OPG requests, receives, and reviews medical documentation, clinical evaluations, and assessments. During the court appointment process, the Colorado OPG receives, and reviews Court Visitor Reports and additional medical documentation provided by the parties.

Public Guardians are trained to evaluate all information received and evaluating the client's need for updated clinical evaluations and assessments. Public Guardians create and maintain Individualized Guardianship Plans (IGP) as per best practice. IGP are updated monthly and reviewed at least quarterly by the Director and Public Guardian. IGP address all client services and goals and are created with the input of the client and service providers.

Objective 1.5: Increase client access to appropriate services.

As part of the Director Report due to the General Assembly, the Director is to report on notable efficiencies and obstacles that the office incurred in providing services. The limited or lack of availability of appropriate services is a continuous obstacle that Public Guardians encounter and impacts client's access and goals.

As previously indicated, the Director works with various stakeholders to increase access to appropriate services.

GOAL 2: ACCOUNTABILITY

The Colorado OPG Pilot Program mandates are defined, will be documented and made available to the public, as appropriate, and to the General Assembly, as required by statute.

Objective 2.1: Establish Colorado OPG Pilot Program performance standards.

Strategy 2.1A: Establish performance standards of the Colorado OPG Pilot Program and Public Guardians, including a disciplinary action policy.

Strategy 2.1B: Conduct annual review of Public Guardians and Staff Assistant.

Objective 2.2: Formulate a complaint policy to address and respond to complaints against the Colorado OPG Pilot Program.

Strategy 2.2A: Establish a complaint policy to allow for multiple methods of filing a complaint.

Strategy 2.2B: Perform investigations and sanction.

Strategy 2.2C: Formulate a Colorado OPG Pilot Program narrative regarding the complaint policy to educate clients, the public, providers, and stakeholders.

Objective 2.3: Improved organizational performance.

Strategy 2.3A: Formulate a uniform system of data collection.

Strategy 2.3B: Develop and maintain a guardianship case management system.

Strategy 2.3C: Formulate realistic performance measures.

Strategy 2.3D: Formulate a review policy of Colorado OPG Pilot Program operating policies.

Strategy 2.3E: Balance confidentiality and public access.

Strategy 2.3F: Achieve and report results of the OPG Pilot Program.

Strategy 2.3G: Ongoing Public Guardian training including, but not limited to: compassion fatigue, communicating and interacting with clients, and cultural competency.

Goal 2 Process and Metrics

Accountability

Objective 2.1: Establish Colorado OPG Pilot Program performance standards.

Colorado OPG policies and procedures are in line with the National Guardianship Association's best practices and standards, Colorado Probate statutes and best practices, and the Public Guardianship Act requirements. The Colorado OPG follows the Judicial Branch Human Resources policies.

The Colorado OPG policies and procedures include standards and best practices related to Public Guardian services. Public Guardians are evaluated and supervised on a weekly basis. The Director is conducting staff Annual Performance Reviews, due in February 2021.

Objective 2.2: Formulate a complaint policy to address and respond to complaints against the Colorado OPG Pilot Program.

A two-tiered formal complaint process and policy are established and available on the Colorado OPG website. Complaints fall in to two categories: 1. Complaints against Public Guardians/staff and 2. Complaints against the Director/Office. Complaint 1 category is first reviewed by the Director and if not fully resolved, the Commission then reviews. Complaint 2 category is automatically reviewed by the Commission.

Objective 2.3: Improved organizational performance.

The Case Management System is a uniform system of data collection and allows for guardianship case management as well. The Case Management System allows for reporting of information and data in a confidential basis. The Director, with assistance from the Commission, is formulating realistic performance measures. A Stakeholder Engagement Plan was formulated to assist in proving organizational performance. As this is a pilot program, basic performance measures include reaching caseload capacity, ensuring quality, ethical, and non-discriminatory public guardianship services. Review of these measures will be through internal review, Commission review, client and provider surveys, and quarterly public meetings. A Stakeholder Advisory Panel is in development and members will serve to provide feedback on the Colorado OPG's performance.

Reviews of Colorado OPG policies and procedures are continual as the pilot program grows, but an annual review by the Director, Commission, and Stakeholder Advisory Panel will be scheduled.

The Director reports results of the Colorado OPG monthly to the Commission and public members. The Director is gathering data to submit the statutorily required Director Report to the General Assembly by January 1, 2023.

Staff completes continuous trainings related to available services, compassion fatigue, communicating and interacting with clients, cultural competency, fiduciary best practices, National Guardianship Association annual conference, training for Certified Guardianship Certification National Certified Guardian.

GOAL 3: ADEQUATE FUNDING

To ensure successful expansion of the Colorado OPG Pilot Program, it is imperative to identify multiple avenues of funding.

Objective 3.1: Assess and maintain annual budgets.

Objective 3.2: Develop several funding streams.

Strategy 3.2A: Develop a fundraising plan, including, but not limited to: the solicitation and acceptance of gifts, grants, and donations pursuant to C.R.S. section 13-94-108(3).

Strategy 3.2B: Submit legislative budget requests, including continuance of filing fees as a revenue source.

Strategy 3.2C: Identify and apply for grants.

Strategy 3.2D: Consult, or contract, for comprehensive research, data-gathering, analyzing and cost-benefit analysis of the Colorado OPG Pilot Program and its potential expansion.

Goal 3 Process and Metrics

Adequate Funding

Objective 3.1: Assess and maintain annual budgets.

The Director, with assistance of the State Court Administrator's Office Budget Manager's Office, annual budgets are maintained and reported monthly to the OPG Commission. The Director annually reports to the Joint Budget Committee about legislative budget requests and continuance of filing fees as a revenue source.

Objective 3.2: Develop several funding streams.

The Director is working with other State of Colorado agencies and stakeholders for revenue funding streams and grants.

A Ph.D. graduate student was hired in December 2020 as a Research Assistant to assist in comprehensive research, data-gathering, analyzing and cost-benefit analysis of the Colorado OPG Pilot Program and its potential expansion.

GOAL 4: DEVELOP A STRATEGY FOR DISCONTINUATION OF THE OPG PILOT PROGRAM IN CONSULTATION WITH THE COMMISSION

Pursuant to statute, the Director will work with the Commission to develop a strategy if the General Assembly chooses to discontinue the Colorado OPG Pilot Program.

Objective 4.1: Develop a wind-down procedure in consultation with the OPG Pilot Program Commission

Objective 4.2: Identify, establish, and maintain relationships with various stakeholders to collaborate on available client resources.

Objective 4.3: Assess needs of clients to identify appropriate case plan and services required for ongoing/follow up services if the Colorado OPG Pilot Program is discontinued.

Objective 4.4: Promote education for various stakeholders and identify volunteer and private guardians willing to provide guardianship services if the Colorado OPG Pilot Program is discontinued.

Goal 4 Process and Metrics

Develop a Strategy for Discontinuation of the OPG pilot program in consultation with the Commission

The Director had identified and established relationships with various stakeholders to collaborate on available client resources. These relationships may assist with providing guardianship services if the Colorado OPG is discontinued.

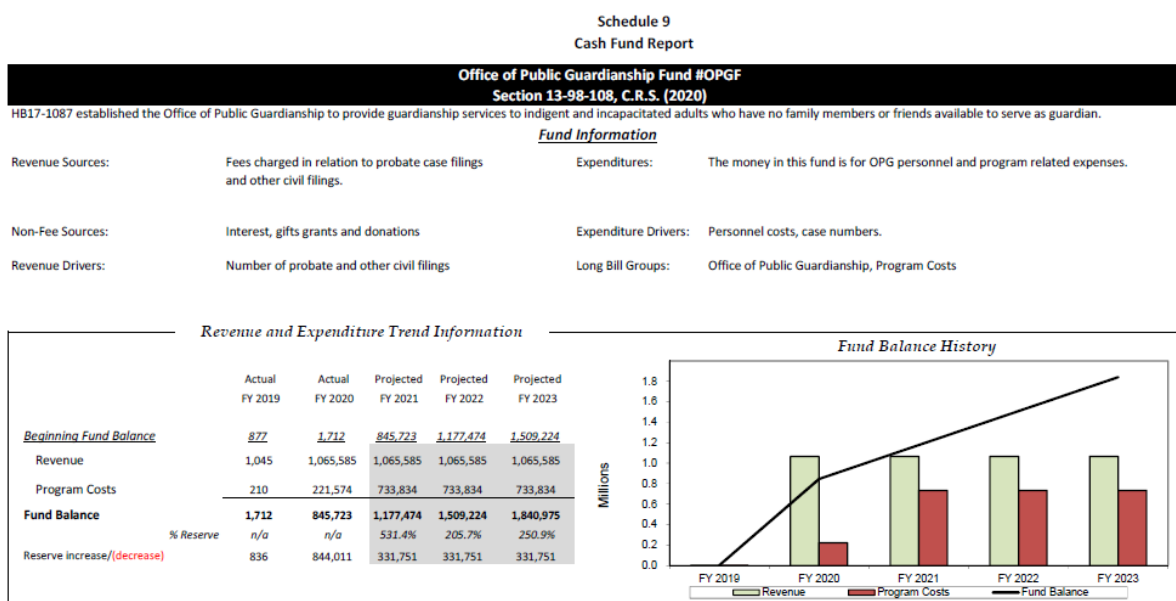
It is a goal to create a Guardianship Academy to locate and train volunteer guardians to potentially provide guardianship services if the Colorado OPG is discontinued.

The Director and Commission needs to fully develop a strategy for discontinuation.

FINANCIAL FORECAST

At this time, the Colorado OPG Pilot Program does not anticipate any significant changes in its financial planning. The Colorado OPG requested a continuation budget, plus any common policy adjustments for the Fiscal Year 2022. It is not expected to have a significant change to the budget unless expansion occurs prior to 2023 and requires the hiring of additional Public Guardians.

HB19-1045 allows for fees charged in relation to probate case filings. This funding source has allowed the Colorado OPG not request budget increases for Fiscal Years 2021 and 2022.



The Office of Public Guardianship cash fund is not subject to the 16.5% target reserve. Pursuant to Section 24-75-402 (2) (e) (V), C.R.S. (2020), fees do not include "any monies received from charges or assessment: amount of which are established in law and over which the entity has no authority to change or are otherwise not determined by the entity."

CONCLUSION

The Colorado Office of Public Guardianship (OPG) Pilot Program successfully formed and began serving clients within six months of the Director assuming her duties. The Colorado OPG Pilot Program strives to provide quality public guardianship services to incapacitated and indigent adults and will continue to review and improve its policies and procedures to effectively expand its services statewide.

NOTE: The governor signed this measure on 6/5/2013.

An Act

HOUSE BILL 13-1299

BY REPRESENTATIVE(S) Ferrandino, Buckner, Court, Exum, Fields, Fischer, Garcia, Gerou, Ginal, Hamner, Hullinghorst, Kraft-Tharp, Labuda, Lebsock, Lee, May, Melton, Mitsch Bush, Moreno, Pabon, Primavera, Rosenthal, Ryden, Salazar, Singer, Tyler, Vigil, Williams, Young, Kagan; also SENATOR(S) Steadman.

CONCERNING CHANGES TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" OF 2010, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments**, part 2 of article 7 of title 2 as follows:

PART 2
STATE MEASUREMENT FOR ACCOUNTABLE,
RESPONSIVE, AND TRANSPARENT
(SMART) GOVERNMENT ACT

2-7-201. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) IT IS IMPORTANT THAT STATE GOVERNMENT BE ACCOUNTABLE AND TRANSPARENT IN SUCH A WAY THAT THE GENERAL PUBLIC CAN UNDERSTAND THE VALUE RECEIVED FOR THE TAX DOLLARS SPENT BY THE STATE;

(b) STATE GOVERNMENT AGENCIES SHOULD OPERATE UNDER A PERFORMANCE MANAGEMENT PHILOSOPHY IN WHICH EMPLOYEES FOCUS ON TAXPAYER AND CUSTOMER SERVICE, UNDERPINNED BY THE CONSTANT GOAL OF ACHIEVING OPERATIONAL EXCELLENCE;

(c) THE ABILITY OF THE GENERAL PUBLIC, THE GENERAL ASSEMBLY, THE GOVERNOR, AND STATE DEPARTMENTS TO ASSESS DEPARTMENTS' PROGRESS IN ACHIEVING PERFORMANCE GOALS WILL LEAD TO IMPROVEMENTS IN SERVICES RENDERED AND INCREASED EFFICIENCY IN PROGRAM ADMINISTRATION, AS WELL AS TRANSPARENCY;

(d) THE ANNUAL BUDGET PROCESS SHOULD SERVE AS PART OF A PERFORMANCE MANAGEMENT SYSTEM TO INCENTIVIZE CONTINUOUS PROCESS IMPROVEMENT IN THE SERVICES DELIVERED TO CUSTOMERS AND TAXPAYERS;

(e) A SYSTEM OF CONTINUOUS PROCESS IMPROVEMENT IS A CRITICAL AND NECESSARY COMPONENT OF A PERFORMANCE MANAGEMENT PHILOSOPHY;

(f) MEASURES FOR EVALUATING THE PERFORMANCE OF STATE DEPARTMENTS SHOULD BE INTEGRATED INTO A FORMAL STATE PLANNING PROCESS;

(g) A PERFORMANCE MANAGEMENT SYSTEM WILL BE MORE USEFUL AND RELIABLE FOR THE GENERAL ASSEMBLY AND THE PUBLIC IF PERFORMANCE AUDITS OF THE DEPARTMENTS ARE COMPLETED; AND

(h) DEPARTMENTS NEED STATUTORY AUTHORITY AND FLEXIBILITY TO USE THEIR RESOURCES IN THE BEST POSSIBLE WAY TO BETTER SERVE THE PEOPLE OF COLORADO THROUGH THE EFFECTIVE ADMINISTRATION AND DELIVERY OF GOVERNMENTAL PROGRAMS AND SERVICES.

2-7-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE" MEANS THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE CREATED IN SECTION 16-11.3-102, C.R.S.

(2) "COLORADO COMMISSION ON HIGHER EDUCATION" MEANS THE COLORADO COMMISSION ON HIGHER EDUCATION CREATED IN SECTION 23-1-102, C.R.S.

(3) "COLORADO ENERGY OFFICE" MEANS THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

(4) "CONTINUOUS PROCESS IMPROVEMENT SYSTEM" MEANS A SYSTEM BASED ON LEAN GOVERNMENT PRINCIPLES OR ANOTHER WIDELY ACCEPTED BUSINESS PROCESS IMPROVEMENT SYSTEM BY WHICH A DEPARTMENT ENGAGES IN SPECIFIC ACTIVITIES THAT HAVE THE PURPOSE OF INCREASING EFFICIENCY AND ELIMINATING WASTE IN THE PROCESSES USED TO DELIVER GOODS AND SERVICES TO TAXPAYERS AND CUSTOMERS OF STATE GOVERNMENT. A "CONTINUOUS PROCESS IMPROVEMENT SYSTEM" INCLUDES MEASURING THE OUTCOMES OF SUCH IMPROVEMENTS AND MAY INVOLVE SOME OR ALL OF THE FOLLOWING STRATEGIES:

(a) THE DEVELOPMENT OF A PROCESS MAP THAT DESCRIBES THE PROCEDURES BY WHICH A DEPARTMENT PRODUCES GOODS OR SERVES ITS CUSTOMERS;

(b) SPECIFIC ACTIVITIES TO RAPIDLY IMPROVE A DEPARTMENT'S PROCESSES THAT WILL INCREASE VALUE OR DECREASE STAFF TIME, INVENTORY, DEFECTS, OVERPRODUCTION, COMPLEXITY, DELAYS, OR EXCESSIVE MOVEMENT;

(c) THE INVOLVEMENT OF DEPARTMENT EMPLOYEES AT ALL LEVELS IN MAPPING A DEPARTMENT'S PROCESSES AND IN MAKING RECOMMENDATIONS FOR IMPROVEMENTS, WITH SPECIFIC IMPORTANCE PLACED ON THE INVOLVEMENT OF DEPARTMENT EMPLOYEES CLOSEST TO THE CUSTOMER OR END USER OF THE STATE GOVERNMENT PRODUCT OR SERVICE;

(d) PROVIDING THE MEANS TO MEASURE EACH PROCESS IN ORDER TO DEMONSTRATE THE EFFECTIVENESS OF EACH PROCESS OR PROCESS IMPROVEMENT; AND

(e) THE TRAINING OF DEPARTMENT EMPLOYEES FOR PURPOSES OF MENTORING AND TRAINING OTHER DEPARTMENT EMPLOYEES IN CONTINUOUS PROCESS IMPROVEMENT METHODOLOGIES.

(5) (a) "DEPARTMENT" MEANS THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SPECIFIED IN SECTION 24-1-110, C.R.S., INCLUDING ANY DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A PRINCIPAL DEPARTMENT.

(b) FOR PURPOSES OF THE REQUIREMENTS OF SECTION 2-7-203 (4), "DEPARTMENT" MEANS THE PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AS SPECIFIED IN SECTION 24-1-110, C.R.S., INCLUDING ANY DIVISION, OFFICE, AGENCY, OR OTHER UNIT CREATED WITHIN A PRINCIPAL DEPARTMENT.

(6) "DEPARTMENTAL REGULATORY AGENDA" MEANS A DOCUMENT PREPARED BY EACH PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND SUBMITTED TO THE GENERAL ASSEMBLY AND MADE AVAILABLE TO THE PUBLIC AS DESCRIBED IN SECTION 2-7-203 (4). THE "DEPARTMENTAL REGULATORY AGENDA" CONTAINS THE FOLLOWING INFORMATION:

(a) A LIST OF NEW RULES OR REVISIONS TO EXISTING RULES THAT THE DEPARTMENT EXPECTS TO PROPOSE IN THE NEXT CALENDAR YEAR;

(b) THE STATUTORY OR OTHER BASIS FOR ADOPTION OF THE PROPOSED RULES;

(c) THE PURPOSE OF THE PROPOSED RULES;

(d) THE CONTEMPLATED SCHEDULE FOR ADOPTION OF THE RULES;

(e) AN IDENTIFICATION AND LISTING OF PERSONS OR PARTIES THAT MAY BE AFFECTED POSITIVELY OR NEGATIVELY BY THE RULES; AND

(f) COMMENCING WITH DEPARTMENTAL REGULATORY AGENDAS

SUBMITTED ON AND AFTER NOVEMBER 1, 2013, A LIST AND BRIEF SUMMARY OF ALL PERMANENT AND TEMPORARY RULES ACTUALLY ADOPTED SINCE THE PREVIOUS DEPARTMENTAL REGULATORY AGENDA WAS FILED.

(7) "JOINT BUDGET COMMITTEE" MEANS THE JOINT BUDGET COMMITTEE ESTABLISHED IN SECTION 2-3-201.

(8) "LEGISLATIVE AUDIT COMMITTEE" MEANS THE LEGISLATIVE AUDIT COMMITTEE CREATED IN SECTION 2-3-101 (1).

(9) "LEGISLATIVE COUNCIL" OR "EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL" MEANS THE LEGISLATIVE COUNCIL OR EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301.

(10) "OFFICE OF ALTERNATE DEFENSE COUNSEL" MEANS THE OFFICE OF ALTERNATE DEFENSE COUNSEL CREATED IN SECTION 21-2-101, C.R.S.

(11) "OFFICE OF ECONOMIC DEVELOPMENT" MEANS THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT CREATED IN SECTION 24-38.5-101, C.R.S.

(12) "OFFICE OF STATE PLANNING AND BUDGETING" MEANS THE OFFICE OF STATE PLANNING AND BUDGETING CREATED IN SECTION 24-37-102, C.R.S.

(13) "OFFICE OF STATE PUBLIC DEFENDER" MEANS THE OFFICE OF STATE PUBLIC DEFENDER CREATED IN SECTION 21-1-101, C.R.S.

(14) "OFFICE OF THE CHILD'S REPRESENTATIVE" MEANS THE OFFICE OF THE CHILD'S REPRESENTATIVE CREATED IN SECTION 13-91-104, C.R.S.

(15) "PERFORMANCE EVALUATION" MEANS A REGULAR REVIEW OF A DEPARTMENT'S OUTCOMES AS COMPARED TO ITS PUBLISHED PERFORMANCE GOALS. THE PERFORMANCE EVALUATION SHALL BE BASED ON ACTUAL HISTORICAL INFORMATION.

(16) "PERFORMANCE GOAL" MEANS A SPECIFIC, QUANTIFIABLE GOAL RELATED TO A PERFORMANCE MEASURE ADOPTED BY A DEPARTMENT.

(17) "PERFORMANCE MANAGEMENT SYSTEM" MEANS A FORMAL

SYSTEM OF MANAGING THE PROCESSES AND OPERATIONS OF DEPARTMENTS.

(18) "PERFORMANCE MEASURE" MEANS A QUANTITATIVE INDICATOR USED TO ASSESS THE OPERATIONAL PERFORMANCE OF A DEPARTMENT PURSUANT TO A PUBLISHED PERFORMANCE PLAN. A PERFORMANCE MEASURE SHOULD APPLY TO ACTIVITIES DIRECTLY UNDER THE INFLUENCE OF A DEPARTMENT AND SHOULD DEMONSTRATE THE DEPARTMENT'S EFFICIENCY AND EFFECTIVENESS IN DELIVERING GOODS OR SERVICES TO CUSTOMERS AND TAXPAYERS. PERFORMANCE MEASURES SHOULD BE REASONABLY UNDERSTANDABLE TO THE PUBLIC.

(19) "PERFORMANCE PLAN" MEANS A DOCUMENT PREPARED BY A DEPARTMENT AS PART OF A PERFORMANCE MANAGEMENT SYSTEM. A PERFORMANCE PLAN MUST INCORPORATE THE IMPACT OF MANAGEMENT STRATEGIES AND CONTINUOUS PROCESS IMPROVEMENT ACTIVITIES ON THE COSTS AND EFFICIENCY OF DELIVERING GOODS AND SERVICES TO TAXPAYERS AND CUSTOMERS OF STATE GOVERNMENT.

(20) "PROCESS MAP" MEANS A WRITTEN OR VISUAL PRESENTATION THAT DESCRIBES THE STEPS INVOLVED IN PRODUCING A PRODUCT OR SERVICE FROM BEGINNING TO END.

(21) "PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION" MEANS THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION CREATED IN ARTICLE 51 OF TITLE 24, C.R.S.

(22) "STATE AUDITOR" MEANS THE STATE AUDITOR DESCRIBED IN SECTION 2-3-102.

2-7-203. Departmental presentations to legislative committees of reference - departmental regulatory agendas. (1) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE SHALL ASSIGN EACH DEPARTMENT TO A HOUSE AND SENATE COMMITTEE OF REFERENCE FOR THEIR RESPECTIVE HOUSES. IN MAKING THE ASSIGNMENTS, THE SPEAKER AND THE PRESIDENT SHALL ENSURE THAT THE PRIMARY FUNCTIONS AND RESPONSIBILITIES OF THE DEPARTMENT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMITTEES OF REFERENCE TO WHICH IT IS ASSIGNED.

(2) (a) EACH JOINT COMMITTEE OF REFERENCE SHALL CONDUCT

HEARINGS AS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (2) DURING THE INTERIM BETWEEN LEGISLATIVE SESSIONS BETWEEN NOVEMBER 1 AND THE COMMENCEMENT OF THE FOLLOWING REGULAR LEGISLATIVE SESSION, DURING WHICH HEARINGS THE JOINT COMMITTEE SHALL HEAR A PRESENTATION FROM EACH DEPARTMENT THAT IS ASSIGNED TO SUCH COMMITTEE PURSUANT TO SUBSECTION (1) OF THIS SECTION REGARDING:

(I) THE DEPARTMENT'S PERFORMANCE PLAN DEVELOPED PURSUANT TO SECTION 2-7-204 (3);

(II) THE DEPARTMENT'S REGULATORY AGENDA REQUIRED PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

(III) THE DEPARTMENT'S BUDGET REQUEST AND ASSOCIATED LEGISLATIVE AGENDA FOR THE UPCOMING REGULAR LEGISLATIVE SESSION.

(b) IN THE PERIOD SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2), EACH JOINT COMMITTEE OF REFERENCE MUST MEET:

(I) AT LEAST ONCE IN EVERY EVEN-NUMBERED YEAR; AND

(II) AT LEAST TWICE IN EVERY ODD-NUMBERED YEAR.

(c) EACH JOINT COMMITTEE OF REFERENCE SHALL ALLOW TIME FOR PUBLIC TESTIMONY REGARDING EACH SUCH DEPARTMENT PRESENTATION.

(d) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE SHALL PRESENT A PROGRESS REPORT ON ANY RECOMMENDATIONS THE COMMISSION ANTICIPATES WILL BE MADE FOR THE UPCOMING LEGISLATIVE SESSION AND ANY FINALIZED RECOMMENDATIONS FOR THE UPCOMING LEGISLATIVE SESSION TO THE JOINT JUDICIARY COMMITTEE OF REFERENCE DURING THE HEARINGS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

(3) (a) THE CHAIR OF EACH JOINT COMMITTEE OF REFERENCE SHALL ASSIGN TWO MEMBERS OF THE JOINT COMMITTEE, ONE FROM EACH MAJOR POLITICAL PARTY, TO SERVE AS LIAISONS WITH THE DEPARTMENTS ASSIGNED TO THEIR JOINT COMMITTEE OF REFERENCE REGARDING THE DEPARTMENT'S PERFORMANCE MANAGEMENT SYSTEM AND PERFORMANCE PLAN.

(b) THE CHAIR OF THE JOINT BUDGET COMMITTEE SHALL ASSIGN ONE MEMBER OF THE JOINT BUDGET COMMITTEE TO SERVE AS A LIAISON FOR EACH DEPARTMENT. THE JOINT BUDGET COMMITTEE LIAISON SHALL WORK WITH THE LIAISONS ASSIGNED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3) TO INFORM THE JOINT COMMITTEE OF REFERENCE REGARDING THE DEPARTMENT'S PERFORMANCE MANAGEMENT SYSTEM AND PERFORMANCE PLAN.

(c) THE EXECUTIVE DIRECTOR OF EACH DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, AND ANY APPROPRIATE STAFF OF THE DEPARTMENT SHALL WORK WITH THE LIAISONS AS NECESSARY.

(4) ON NOVEMBER 1, 2013, AND EACH NOVEMBER 1 THEREAFTER, EACH DEPARTMENT SHALL FILE A DEPARTMENTAL REGULATORY AGENDA WITH THE STAFF OF THE LEGISLATIVE COUNCIL, WHO SHALL DISTRIBUTE THE DEPARTMENTAL REGULATORY AGENDA TO THE APPLICABLE COMMITTEE OF REFERENCE PRIOR TO THE DEPARTMENTAL PRESENTATIONS TO THE COMMITTEE OF REFERENCE. ON NOVEMBER 1, 2013, AND EACH NOVEMBER 1 THEREAFTER, EACH DEPARTMENT SHALL ALSO POST ITS DEPARTMENTAL REGULATORY AGENDA ON THE DEPARTMENT'S WEB SITE AND SHALL SUBMIT ITS DEPARTMENTAL REGULATORY AGENDA TO THE SECRETARY OF STATE FOR PUBLICATION IN THE COLORADO REGISTER.

(5) ALL LOCAL GOVERNMENT ENTITIES ARE ENCOURAGED TO ATTEND THE HEARINGS DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO PROVIDE TESTIMONY OR TO SUBMIT AN OFFICIAL POSITION LETTER TO THE JOINT COMMITTEES OF REFERENCE REGARDING ANY LOCAL IMPACT OF A DEPARTMENT'S PERFORMANCE MANAGEMENT SYSTEM AND PERFORMANCE PLAN.

2-7-204. Performance management systems. (1) (a) NO LATER THAN AUGUST 1, 2013, AND NO LATER THAN AUGUST 1 OF EACH YEAR THEREAFTER, THE GOVERNOR SHALL PUBLISH THE COMPONENTS OF THE PERFORMANCE MANAGEMENT SYSTEM FOR MANAGING THE PRINCIPAL DEPARTMENTS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, EXCEPT THE DEPARTMENT OF STATE, THE DEPARTMENT OF THE TREASURY, AND THE DEPARTMENT OF LAW. THE PERFORMANCE MANAGEMENT SYSTEM MUST BE PUBLISHED IN INSTRUCTIONS ISSUED BY THE OFFICE OF STATE PLANNING AND BUDGETING. THE INSTRUCTIONS MUST BE POSTED ON THE OFFICIAL WEB SITE ADMINISTERED BY THE OFFICE OF STATE PLANNING AND BUDGETING.

(b) NO LATER THAN AUGUST 1, 2013, AND NO LATER THAN AUGUST 1 OF EACH YEAR THEREAFTER, THE JUDICIAL DEPARTMENT SHALL PUBLISH THE COMPONENTS OF THE PERFORMANCE MANAGEMENT SYSTEM FOR MANAGING THE JUDICIAL BRANCH THROUGH INSTRUCTIONS ISSUED BY THE OFFICE OF THE STATE COURT ADMINISTRATOR. THESE INSTRUCTIONS MUST BE POSTED ON THE OFFICIAL WEB SITE ADMINISTERED BY THE JUDICIAL BRANCH.

(c) NO LATER THAN AUGUST 1, 2013, AND NO LATER THAN AUGUST 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF STATE, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF LAW, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL EACH PUBLISH THEIR COMPONENTS OF THE PERFORMANCE MANAGEMENT SYSTEMS FOR THEIR RESPECTIVE DEPARTMENT, OFFICE, OR COMMISSION. THESE INSTRUCTIONS MUST BE POSTED ON THE OFFICIAL WEB SITES ADMINISTERED BY THE RESPECTIVE DEPARTMENTS, OFFICES, AND COMMISSIONS.

(2) (a) ANY PERFORMANCE MANAGEMENT SYSTEM PUBLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION MUST ADDRESS, AMONG OTHER STRATEGIC GOALS AND PRIORITIES THAT ARE CONSISTENT WITH THE CHARGE OF EACH DEPARTMENT, STRATEGIES FOR ENHANCING PRODUCTIVITY, IMPROVING EFFICIENCY, REDUCING COSTS, AND ELIMINATING WASTE IN THE PROCESSES AND OPERATIONS THAT DELIVER GOODS AND SERVICES TO TAXPAYERS AND CUSTOMERS OF STATE GOVERNMENT. AT A MINIMUM, THE PERFORMANCE MANAGEMENT SYSTEM MUST ESTABLISH PARAMETERS FOR THE DEVELOPMENT OF PERFORMANCE PLANS FOR EACH DEPARTMENT. A PERFORMANCE MANAGEMENT SYSTEM SHOULD INCORPORATE A CONTINUOUS PROCESS IMPROVEMENT SYSTEM BASED ON LEAN GOVERNMENT PRINCIPLES OR ANOTHER WIDELY ACCEPTED BUSINESS PROCESS IMPROVEMENT SYSTEM.

(b) A PERFORMANCE MANAGEMENT SYSTEM SHOULD INCLUDE ELEMENTS TO ENSURE THAT A DEPARTMENT'S EMPLOYEES ARE APPROPRIATELY TRAINED TO IMPLEMENT ITS VARIOUS COMPONENTS.

(3) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH (a), NO LATER THAN JULY 1, 2014, AND NO LATER THAN JULY 1 OF EACH YEAR THEREAFTER, EACH DEPARTMENT SHALL DEVELOP A

PERFORMANCE PLAN IN ACCORDANCE WITH THE PERFORMANCE MANAGEMENT SYSTEM AND SUBMIT THAT PLAN TO THE JOINT BUDGET COMMITTEE AND THE APPROPRIATE JOINT COMMITTEE OF REFERENCE AS DETERMINED PURSUANT TO SECTION 2-7-203. THE PERFORMANCE PLAN SERVES AS A GUIDE TO A DEPARTMENT'S MAJOR FUNCTIONS AND AS A TOOL TO EVALUATE PERFORMANCE GOALS OVER TIME.

(II) (A) THE DEPARTMENT OF HIGHER EDUCATION WILL SATISFY THE REQUIREMENTS IN THIS SUBSECTION (3) THROUGH THE MASTER PLAN FOR POSTSECONDARY EDUCATION THAT THE COLORADO COMMISSION ON HIGHER EDUCATION MAINTAINS AS DESCRIBED IN SECTION 23-1-108 (1.5), C.R.S., AND ANY PERFORMANCE CONTRACTS THAT THE COLORADO COMMISSION ON HIGHER EDUCATION NEGOTIATES AND ENTERS INTO WITH THE GOVERNING BOARDS OF THE STATE INSTITUTIONS OF HIGHER EDUCATION AS SPECIFIED IN SECTION 23-5-129, C.R.S. THE DEPARTMENT OF HIGHER EDUCATION SHALL ENSURE THAT COPIES OF THE MASTER PLAN AND PERFORMANCE CONTRACTS BE SUBMITTED TO THE JOINT BUDGET COMMITTEE AND THE APPROPRIATE JOINT COMMITTEE OF REFERENCE AS DETERMINED PURSUANT TO SECTION 2-7-203, AND SHALL POST THE MASTER PLAN AND PERFORMANCE CONTRACTS TO ITS OFFICIAL WEB SITE AND THE OFFICIAL WEB SITE OF THE OFFICE OF STATE PLANNING AND BUDGETING.

(B) THE STATE AUDITOR, IN CONDUCTING A PERFORMANCE AUDIT OF THE DEPARTMENT OF HIGHER EDUCATION AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, SHALL CONSIDER THE EXTENT TO WHICH THE GOALS OF THE MASTER PLAN AND THE ASSOCIATED PERFORMANCE CONTRACTS HAVE BEEN ACHIEVED.

(III) THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION WILL SATISFY THE REQUIREMENTS OF THIS SUBSECTION (3) THROUGH ITS ANNUAL ACTUARIAL VALUATION REPORT DESCRIBED IN SECTION 24-51-204 (7), C.R.S., AND ITS REPORT TO THE GOVERNOR DESCRIBED IN SECTION 24-51-204 (8), C.R.S., REGARDING THE POLICIES, FINANCIAL CONDITION, AND ADMINISTRATION OF THE ASSOCIATION. THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION SHALL ENSURE THAT COPIES OF THE REPORTS DESCRIBED IN THIS SUBPARAGRAPH (III) BE SUBMITTED TO THE JOINT BUDGET COMMITTEE AND THE APPROPRIATE JOINT COMMITTEE OF REFERENCE AS DETERMINED PURSUANT TO SECTION 2-7-203, AND SHALL POST SUCH REPORTS TO ITS OFFICIAL WEB SITE AND THE OFFICIAL WEB SITE OF THE OFFICE OF STATE PLANNING AND BUDGETING.

(b) EACH DEPARTMENT'S PERFORMANCE PLAN SHALL BE POSTED ON THE OFFICIAL WEB SITES OF THE DEPARTMENT AND THE OFFICE OF STATE PLANNING AND BUDGETING. THE STATE TREASURER, THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE STATE COURT ADMINISTRATOR FOR THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL ENSURE THE OFFICE OF STATE PLANNING AND BUDGETING RECEIVES THE INFORMATION REQUIRED TO BE POSTED ON THE OFFICE OF STATE PLANNING AND BUDGETING'S WEB SITE PURSUANT TO THIS PARAGRAPH (b). THE OFFICE OF STATE PLANNING AND BUDGETING SHALL NOT HAVE ACCESS TO EDIT ANY INFORMATION PROVIDED BY THE STATE TREASURER, THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE STATE COURT ADMINISTRATOR FOR THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, OR THE OFFICE OF THE CHILD'S REPRESENTATIVE.

(c) AT A MINIMUM, A PERFORMANCE PLAN MUST INCLUDE THE FOLLOWING COMPONENTS, WHICH MAY BE FURTHER REFINED IN THE PERFORMANCE MANAGEMENT SYSTEM PUBLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION:

(I) A STATEMENT OF THE DEPARTMENT'S MISSION OR VISION;

(II) A DESCRIPTION OF THE MAJOR FUNCTIONS OF THE DEPARTMENT;

(III) PERFORMANCE MEASURES FOR THE MAJOR FUNCTIONS OF THE DEPARTMENT;

(IV) PERFORMANCE GOALS THAT CORRESPOND TO THE DEPARTMENT'S PERFORMANCE MEASURES AND THAT EXTEND TO AT LEAST THREE YEARS INTO THE FUTURE;

(V) A NARRATIVE DESCRIPTION OF THE STRATEGIES NECESSARY TO MEET THE PERFORMANCE GOALS; AND

(VI) A SUMMARY OF THE DEPARTMENT'S MOST RECENT

PERFORMANCE EVALUATION.

(d) IF REASONABLE AND APPROPRIATE, PERFORMANCE MEASURES SHOULD BE DEVELOPED WITH THE INPUT OF DEPARTMENT EMPLOYEES AND CERTIFIED EMPLOYEE ORGANIZATIONS.

(4) DEPARTMENTS SHALL CONDUCT PERFORMANCE EVALUATIONS AND DISTRIBUTE THEM TO THE JOINT BUDGET COMMITTEE AND THE GENERAL ASSEMBLY AT LEAST TWICE EACH CALENDAR YEAR AS DEFINED IN THE PUBLISHED PERFORMANCE MANAGEMENT SYSTEM.

(5) (a) PRIOR TO THE FIRST REGULAR SESSION OF THE SEVENTIETH GENERAL ASSEMBLY, THE STATE AUDITOR SHALL, WITHIN EXISTING RESOURCES, CONDUCT OR CAUSE TO BE CONDUCTED PERFORMANCE AUDITS OF ONE OR MORE SPECIFIC PROGRAMS OR SERVICES IN AT LEAST TWO DEPARTMENTS, AND SHALL CONTINUE TO CONDUCT OR CAUSE TO BE CONDUCTED PERFORMANCE AUDITS OF ONE OR MORE SPECIFIC PROGRAMS OR SERVICES IN AT LEAST TWO DEPARTMENTS ANNUALLY THEREAFTER.

(b) IN SELECTING BOTH DEPARTMENTS AND SPECIFIC PROGRAMS OR SERVICES WITHIN THOSE DEPARTMENTS FOR PERFORMANCE AUDITS, THE STATE AUDITOR SHALL CONSIDER RISK, AUDIT COVERAGE, RESOURCES REQUIRED TO CONDUCT THE PERFORMANCE AUDITS, AND THE IMPACT OF THE AUDITED PROGRAMS OR SERVICES ON A DEPARTMENT'S PERFORMANCE-BASED GOALS. THE LEGISLATIVE AUDIT COMMITTEE SHALL APPROVE THE PROGRAMS OR SERVICES SELECTED BY THE AUDITOR FOR PERFORMANCE AUDITS.

(c) PERFORMANCE AUDITS OF THE PROGRAMS OR SERVICES SELECTED FOR AUDIT MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE REVIEW OF THE FOLLOWING:

(I) THE INTEGRITY OF THE PERFORMANCE MEASURES AUDITED;

(II) THE ACCURACY AND VALIDITY OF REPORTED RESULTS; AND

(III) THE OVERALL COST AND EFFECTIVENESS OF THE AUDITED PROGRAMS OR SERVICES IN ACHIEVING LEGISLATIVE INTENT AND THE DEPARTMENTS' PERFORMANCE GOALS.

(d) THE STATE AUDITOR SHALL PRESENT THE PERFORMANCE AUDIT REPORT TO THE LEGISLATIVE AUDIT COMMITTEE.

(e) AFTER THE PERFORMANCE AUDIT REPORT IS RELEASED BY THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR SHALL PRESENT THE PERFORMANCE AUDIT REPORT OF THOSE DEPARTMENTS WITH SERVICES OR PROGRAMS AUDITED IN THE PREVIOUS YEAR TO THE APPROPRIATE JOINT COMMITTEE OF REFERENCE AS DETERMINED PURSUANT TO SECTION 2-7-203. THE STATE AUDITOR SHALL ALSO PRESENT ANY OTHER AUDIT REPORTS THAT HE OR SHE DEEMS RELEVANT FOR THE JOINT COMMITTEE OF REFERENCE'S REVIEW.

(6) AS PART OF ITS REGULAR DELIBERATIONS, THE JOINT BUDGET COMMITTEE SHALL CONSIDER THE PERFORMANCE PLANS SUBMITTED PURSUANT TO PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION AND THE PERFORMANCE EVALUATIONS SUBMITTED PURSUANT TO SUBSECTION (4) OF THIS SECTION. BASED ON ITS REVIEW OF THESE PERFORMANCE PLANS AND PERFORMANCE EVALUATIONS AND ITS CONSIDERATION OF EACH DEPARTMENT'S LEGAL RESPONSIBILITIES AND STRATEGIC GOALS AND OBJECTIVES, THE JOINT BUDGET COMMITTEE MAY PRIORITIZE DEPARTMENTS' REQUESTS FOR NEW FUNDING THAT ARE EXPRESSLY INTENDED TO ENHANCE PRODUCTIVITY, IMPROVE EFFICIENCY, REDUCE COSTS, AND ELIMINATE WASTE IN THE PROCESSES AND OPERATIONS THAT DELIVER GOODS AND SERVICES TO TAXPAYERS AND CUSTOMERS OF STATE GOVERNMENT.

2-7-205. Annual performance report. (1) (a) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (A), NO LATER THAN NOVEMBER 1, 2014, AND NO LATER THAN NOVEMBER 1 OF EACH YEAR THEREAFTER, THE OFFICE OF STATE PLANNING AND BUDGETING SHALL PUBLISH AN ANNUAL PERFORMANCE REPORT FOR EACH DEPARTMENT EXCEPT THE DEPARTMENT OF STATE, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF LAW, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE. THE ANNUAL PERFORMANCE REPORT MUST INCLUDE A SUMMARY OF EACH DEPARTMENT'S PERFORMANCE PLAN AND MOST RECENT PERFORMANCE EVALUATION. THE ANNUAL PERFORMANCE REPORT MUST BE CLEARLY WRITTEN AND EASILY UNDERSTOOD AND MUST BE LIMITED TO A MAXIMUM OF FOUR PAGES PER DEPARTMENT.

(II) THE OFFICE OF STATE PLANNING AND BUDGETING SHALL PREPARE THE SECTION OF THE ANNUAL PERFORMANCE REPORT FOR THE DEPARTMENT OF HIGHER EDUCATION BY REVIEWING THE INSTITUTIONS OF HIGHER EDUCATION'S PROGRESS TOWARDS THE GOALS SET FORTH IN THE INSTITUTION OF HIGHER EDUCATION'S PERFORMANCE CONTRACT DESCRIBED IN SECTION 23-5-129, C.R.S., AND THE OUTCOMES OF THE RECOMMENDED PERFORMANCE FUNDING PLAN REQUIRED IN SECTION 23-1-108 (1.9) (b), C.R.S.

(b) NO LATER THAN NOVEMBER 1, 2014, AND NO LATER THAN NOVEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT OF STATE, THE DEPARTMENT OF THE TREASURY, THE DEPARTMENT OF LAW, THE JUDICIAL DEPARTMENT, THE OFFICE OF STATE PUBLIC DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, THE COLORADO ENERGY OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE OFFICE OF THE CHILD'S REPRESENTATIVE SHALL EACH PUBLISH AN ANNUAL PERFORMANCE REPORT INCLUDING A SUMMARY OF ITS PERFORMANCE PLAN AND MOST RECENT PERFORMANCE EVALUATION. THE ANNUAL PERFORMANCE REPORTS MUST BE CLEARLY WRITTEN AND EASILY UNDERSTOOD AND MUST EACH BE LIMITED TO A MAXIMUM OF FOUR PAGES.

(2) (a) THE ANNUAL PERFORMANCE REPORTS SHALL BE POSTED ON THE OFFICIAL WEB SITES OF THE STATE OF COLORADO AND THE OFFICE OF THE GOVERNOR. THE ANNUAL PERFORMANCE REPORTS SHALL INCLUDE A HYPERLINK TO EACH DEPARTMENT'S PERFORMANCE PLAN POSTED ON THE OFFICIAL WEB SITE OF EACH DEPARTMENT PURSUANT TO SECTION 2-7-204 (3) (b).

(b) THE ANNUAL PERFORMANCE REPORTS SHALL BE DISTRIBUTED TO ALL MEMBERS OF THE GENERAL ASSEMBLY PURSUANT TO SECTION 24-1-136 (9), C.R.S.

SECTION 2. In Colorado Revised Statutes, 2-3-103, **amend** (9); and **add** (9.5) as follows:

2-3-103. Duties of state auditor - definitions. (9) It is the duty of the state auditor to conduct or cause to be conducted performance audits as specified in ~~section 2-7-204 (4)~~ SECTION 2-7-204 (5).

(9.5) IT IS THE DUTY OF THE STATE AUDITOR TO NOTIFY THE

APPROPRIATE JOINT COMMITTEE OF REFERENCE AS DETERMINED PURSUANT TO SECTION 2-7-203 WHEN A DEPARTMENT HAS NOT COMPLETED RECOMMENDATIONS MADE BY THE STATE AUDITOR WITHIN THE TIME PROVIDED.

SECTION 3. In Colorado Revised Statutes, 2-3-203, **add** (1) (b.2) as follows:

2-3-203. Powers and duties of the joint budget committee - repeal. (1) The committee has the following power and duties:

(b.2) EFFECTIVE JULY 1, 2013, TO HOLD HEARINGS AS REQUIRED TO REVIEW THE PERFORMANCE PLANS AND PERFORMANCE EVALUATIONS OF DEPARTMENTS AS SPECIFIED IN SECTION 2-7-204 (6). BASED ON ITS REVIEW OF THESE PERFORMANCE PLANS AND PERFORMANCE EVALUATIONS AND ITS CONSIDERATION OF EACH DEPARTMENT'S LEGAL RESPONSIBILITIES AND STRATEGIC GOALS AND OBJECTIVES, THE JOINT BUDGET COMMITTEE MAY PRIORITIZE DEPARTMENTS' REQUESTS FOR NEW FUNDING THAT ARE EXPRESSLY INTENDED TO ENHANCE PRODUCTIVITY, IMPROVE EFFICIENCY, REDUCE COSTS, AND ELIMINATE WASTE IN THE PROCESSES AND OPERATIONS THAT DELIVER GOODS AND SERVICES TO TAXPAYERS AND CUSTOMERS OF STATE GOVERNMENT.

SECTION 4. In Colorado Revised Statutes, 2-3-301, **add** (5) as follows:

2-3-301. Legislative council created - executive committee created. (5) THE LEGISLATIVE COUNCIL MAY BE A COMMITTEE OF REFERENCE FOR BILLS AND JOINT RESOLUTIONS THAT ALLOCATE ANY ADDITIONAL LEGISLATIVE STAFF RESOURCES.

SECTION 5. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 2-3-303.3 as follows:

2-3-303.3. Interim committees. (1) COMMENCING ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, INTERIM COMMITTEES MAY NOT BE REQUESTED BY A LEGISLATIVE MEMBER BY BILL OR RESOLUTION. NO LATER THAN THE NINETY-FOURTH DAY OF A REGULAR LEGISLATIVE SESSION, A LEGISLATIVE MEMBER MAY SUBMIT A REQUEST IN WRITING TO THE LEGISLATIVE COUNCIL CREATED IN SECTION 2-3-301 (1) REGARDING AN

ISSUE THAT HE OR SHE WISHES TO STUDY DURING THE NEXT INTERIM BETWEEN SESSIONS. AT MINIMUM, THE REQUEST MUST SPECIFY:

(a) THE SCOPE OF THE POLICY ISSUES TO BE STUDIED;

(b) THE NUMBER OF MEETINGS THAT WOULD BE NECESSARY TO STUDY THE ISSUES;

(c) THE SUGGESTED NUMBER AND COMPOSITION OF LEGISLATIVE MEMBERS ON THE INTERIM COMMITTEE;

(d) WHETHER OTHER NONLEGISLATIVE MEMBERS SHOULD HAVE A ROLE IN THE INTERIM COMMITTEE;

(e) WHETHER A TASK FORCE WOULD BE NECESSARY TO ASSIST THE INTERIM COMMITTEE IN STUDYING THE SCOPE OF ISSUES AND, IF SO, THE MEMBERS AND COMPOSITION OF SUCH A TASK FORCE; AND

(f) (I) AN ESTIMATE OF THE MAXIMUM NUMBER OF BILLS THE INTERIM COMMITTEE WILL NEED IN ORDER TO ADDRESS THE ISSUES STUDIED BY THE INTERIM COMMITTEE.

(II) ANY INTERIM COMMITTEE BILLS ARE EXEMPT FROM THE FIVE-BILL LIMITATION SPECIFIED IN RULE 24 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(2) NO LATER THAN THE ONE HUNDREDTH DAY OF A REGULAR LEGISLATIVE SESSION, THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL SHALL DETERMINE THE NUMBER OF INTERIM COMMITTEE MEETINGS THAT MAY BE HELD WITHIN THE LEGISLATIVE BUDGET AND SHALL PROVIDE THAT INFORMATION TO THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

(3) (a) NO LATER THAN THE ONE HUNDRED EIGHTH DAY OF A REGULAR LEGISLATIVE SESSION, THE LEGISLATIVE COUNCIL SHALL MEET TO REVIEW AND PRIORITIZE REQUESTS MADE BY LEGISLATIVE MEMBERS PURSUANT TO SUBSECTION (1) OF THIS SECTION. SUCH REVIEW AND PRIORITIZATION MUST TAKE INTO ACCOUNT THE INFORMATION PROVIDED BY THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE LEGISLATIVE COUNCIL SHALL ALSO

DETERMINE IF ANY OF THE PRIORITIZED INTERIM COMMITTEES MAY CREATE A TASK FORCE. IF A TASK FORCE IS APPROVED, SUCH TASK FORCE SHALL INCLUDE NO MORE THAN TWO LEGISLATIVE MEMBERS, ONE FROM THE MAJORITY PARTY AND ONE FROM THE MINORITY PARTY OF THE INTERIM COMMITTEE. LEGISLATIVE MEMBERS ON A TASK FORCE ARE ONLY ENTITLED TO RECEIVE NECESSARY TRAVEL COSTS AND ARE NOT ENTITLED TO PER DIEM PURSUANT TO SECTION 2-2-307. FOR PURPOSES OF CARRYING OUT THE TASK FORCE'S DUTIES, THE LEGISLATIVE COUNCIL MAY ACCEPT AND EXPEND MONEY, GIFTS, GRANTS, DONATIONS, SERVICES, AND IN-KIND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE TASK FORCE; EXCEPT THAT THE LEGISLATIVE COUNCIL MAY NOT ACCEPT MONEY, GIFTS, GRANTS, DONATIONS, SERVICES, OR IN-KIND DONATIONS IF ACCEPTANCE IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH STATE LAW OR REQUIRES A PREDETERMINED CONCLUSION OR RESULT FROM THE TASK FORCE. THE LEGISLATIVE COUNCIL SHALL REQUEST THAT THE ENTITY OFFERING THE MONEY, GIFT, GRANT, DONATION, SERVICES, OR IN-KIND DONATION SUBMIT A LETTER PRIOR TO THE OFFER SPECIFYING THE AMOUNT OF MONEY, GIFT, GRANT, OR DONATION OFFERED, OR THE ESTIMATED VALUE OF THE SERVICES OR IN-KIND DONATION OFFERED, THE PERIOD FOR WHICH THE MONEY, GIFT, GRANT, DONATION, SERVICES, OR IN-KIND DONATION IS AVAILABLE, AND THE SPECIFIC PURPOSES FOR WHICH THE MONEY, GIFT, GRANT, DONATION, SERVICES, OR IN-KIND DONATION IS TO BE USED.

(b) THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE MINORITY AND MAJORITY LEADERS OF BOTH HOUSES SHALL APPOINT THE LEGISLATIVE MEMBERS TO ANY PRIORITIZED INTERIM COMMITTEES OR APPROVED TASK FORCES.

(c) AFTER THE GENERAL ASSEMBLY HAS ADJOURNED, IF AN ISSUE IS BROUGHT TO THE ATTENTION OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL AND THE EXECUTIVE COMMITTEE DETERMINES THAT THE ISSUE IS THE RESULT OF CHANGED CIRCUMSTANCES OR NEW CIRCUMSTANCES AND IS APPROPRIATE MATERIAL FOR AN INTERIM COMMITTEE THAT IS MEETING DURING THAT INTERIM BETWEEN LEGISLATIVE SESSIONS, THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL MAY ADD THE INTERIM COMMITTEE BY ADOPTING A RESOLUTION. THE RESOLUTION MUST INCLUDE THE ITEMS SPECIFIED IN THE LEGISLATIVE MEMBER'S WRITTEN REQUEST FOR AN INTERIM STUDY.

SECTION 6. In Colorado Revised Statutes, 24-37-103, **amend** (1) (d) as follows:

24-37-103. Director - duties. (1) The director shall:

(d) Publish an annual performance report as specified in ~~section 2-7-205~~ SECTION 2-7-204, C.R.S.; AND

SECTION 7. In Colorado Revised Statutes, 24-38.5-102, **amend** (3) (a) as follows:

24-38.5-102. Colorado energy office - duties and powers. (3) The Colorado energy office shall notify the house of representatives and senate committees of reference to which the office is assigned pursuant to section 2-7-203 (1), C.R.S., as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203 (2), C.R.S., if it has made any changes to:

(a) Any ~~principles, policies, or performance-based goals that the office has outlined in its strategic plan~~ PERFORMANCE PLANS AND PERFORMANCE EVALUATIONS required pursuant to ~~section 2-7-204 (1) (a)~~ SECTION 2-7-204, C.R.S.;

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2013, the sum of \$89,971 and 0.3 FTE, or so much thereof as may be necessary for the implementation of this act.

SECTION 9. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

John P. Morse
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO