

Chair Report

June 2023

Fellow Commissioners,

It is my great pleasure to present my final Chair Report to the Commission and soon to be Board of the newly established permanent Office of Public Guardianship. I have every confidence that Vice Chair Garcia will provide the wise leadership needed to complete the transition to a permanent office. I apologize for the length of the report but felt this might be the easiest way to accomplish all three tasks I have set out. I will provide my normal update of activities, outline a set of recommendations for consideration by the new Board, and present my resignation letter.

Certainly the crowning event of the past month was the signing ceremony. The venue of a construction site in far northern Colorado was an interesting choice and unfortunate in that it precluded many of our supporters and even our sponsors from attending. Nonetheless it was gratifying to watch Lt Governor Primavera sign the bill into law and I would again extend my appreciation and congratulations to Director Alvarez, the OPG staff, the Commission and the many supporters who have joined and assisted in this journey.

As you know, staff and stakeholder surveys were distributed, collected and summarized with the capable assistance of the AG's Office. A particular thank you is extended to Laura Seeger who handled the technical challenges. An initial combined draft of the Director annual performance assessment document was circulated prior to the special meeting on June 20. A second draft will be circulated prior to the regular June meeting.

I met again and was in regular contact with the Governor's Office regarding appointment of Board Members. The Chief Justice is also working to appoint the attorney members. In addition, I worked to recruit a Board member from a northern Congressional district and was able to put someone deeply involved in advocacy for seniors in contact with the Governor's office as a potential candidate.

I had my regular meetings with Director Alvarez. I want to mention how valuable these routine meetings have been in both orienting me to the day to day activities of the Office and my ability to provide support when needed. I appreciate her making time in her own busy schedule to keep me informed. In retrospect, I do wish I had come up with more reasons to hang out in staff meetings as I did enjoy the opportunity to interact with them on those rare occasions.

Finally, Director Alvarez, Grant Yoder and I met to discuss potential publications and/or conference presentations based on the pilot project and our final report to the Legislature. Our goal is to write the articles we wish we had found when we were preparing the final report. We agreed there were three particular areas that could be of interest to others working in this arena. Director Alvarez is focusing on the logistics and operational challenges of implementing the office as a pilot project. Grant will focus on the methodological and data challenges we faced in attempting to pin down the need and the cost/benefit analysis. I will focus on the broader process and journey with an emphasis on the various

ways in which substantial fiscal opposition to a pilot project was eventually turned to broad bi-partisan support for establishment of a permanent statewide office. Any suggestions for specific publications or conferences you believe would have an interest in such articles would be most welcome.

RECOMMENDATIONS FOR CONSIDERATION BY THE NEW BOARD

As outgoing Chair, I would like to share a few recommendations for consideration as the new Board is installed and the Office transitions to a permanent agency. When the Commission was first established there was no office and no staff, so our AG representative served as our only resource and our basic infrastructure, providing extensive practical and logistical support. While the AG's Office will continue to provide basic review and advice on legal matters, the primary responsibility for generating and maintaining Board policies and procedures will now fall to the Director and the Board.

The Commission bylaws will require immediate review and revision as will all of the prior Commission policies. I have few specific recommendations:

1. Consider making the term of the Chair of the Board run consistent with the fiscal year. The term currently runs via the calendar year. Given that the Office is likely to be actively in front the Legislature throughout the next few years as we expand, there is an advantage in having the Chair closely involved in the budgetary and other pre-legislative activities in the fall, and therefore well prepared and providing continuity for any necessary activities during the spring legislative session.
2. Establish a formal orientation for new Board members that includes the choice of a virtual file or hard copy notebook of Board policies. In particular, ensure that Board members are aware of record retention and appropriate email protocols for communication.
3. Establish a consistent schedule and initiate coordination with the AG for required Board training regarding CORA, the OML, and annual conflict of interest disclosure documents.
4. Continue to meet on a monthly basis for the duration of the statewide rollout. Consider holding an annual in person meeting/retreat/reception to enhance Board relations and staff/stakeholder access. Further consider varying the location each year as new judicial districts are served.

A primary and critical responsibility of the Board is the annual performance assessment of the Director. I believe the Board would benefit from a written protocol to include scheduling and routine collection of staff and stakeholder data. Support for this process should transition to the new administrative unit but may not be in place in time for the 2024 evaluation so care should be taken to minimize the burden in the AG's office to support the process. In particular, I would recommend

1. Immediate revision of the Director's job description to reflect the transition to a permanent office and the addition of the Deputy Director. Include a requirement for a formal, annual agency report to the public.
2. Reformat and adapt the current performance evaluation form to the new job description and in a more user friendly format.

3. Continue utilizing a targeted approach for stakeholder feedback with some revisions to the instrument used this year to include more opportunity for narrative feedback under each section and perhaps a handful of Board interviews with critical stakeholders.
4. Modify the staff survey to a combined Likert score and narrative comment format similar to the stakeholder survey used this year but targeted at internal operations. Include specific questions regarding organizational culture and climate.
5. Implement a practice of quarterly check-ins with the Director and personnel file notes from the Chair to support the assessment process.

Thank you for the opportunity to share these thoughts. I would be happy to speak with new Board members if there are questions when the time comes.

DBW / 6-21-23

June 21, 2023

Director Sophia Alvarez and Members of the OPG Commission
Office of Public Guardianship
Denver, CO

Director Alvarez and fellow Commissioners,

It is with both pleasure and regret that I submit my notice of resignation from the OPG Commission effective August 31, 2023. As you know, I no longer meet the statutory criteria for appointment by the Chief Justice and, after more than ten years of work on this issue, I will not seek reappointment through the Governor's Office.

It has been my sincerest pleasure to work with you, the staff of the OPG and our many stakeholders and community supporters over these past ten years. Whether it was insights into the mysteries of the legislative process, appreciation for the day-to-day complexity of guardianship, or the research I completed for the final report, I can honestly say my work on public guardianship has been one of the foremost learning experiences of my adult life. I am so very proud of what we have been able to accomplish together and the long term impact it will have on the lives of our most vulnerable citizens.

While I might have some regret in not continuing to have a front row seat as the Office begins its statewide expansion, I have every confidence that better informed and more capable hands will follow me to help guide that next step in the journey. Thank you for your support and the great privilege it has been to serve with you.

Best wishes,

Deb

Deb Bennett-Woods