



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

March 9, 2023

Record of Proceedings

Notice of this meeting was provided pursuant to the Colorado Open Meetings Law, § 24-6-402, C.R.S.

CONVENE

The meeting of the Child Protection Ombudsman Board was convened via Zoom teleconference at 8:06 a.m. by Chair Ann Roan.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Ann Roan, Chair
Hon. Kenneth Plotz
Hon. Amanda Hopkins
Brian Bernhard
Benjamin Rounsborg
Aaron Miltenberger
Dr. Coral Steffey
Comm. Charles Tedesco
Comm. Wendy Buxton-Andrade
Jerene Petersen

Others Present

Stephanie Villafuerte, Ombudsman
Jordan Steffen, Deputy Ombudsman
Robert Finke, First Assistant Attorney General

PRESENT FROM THE PUBLIC

Joe Homlar, Director, Division of Child Welfare, Colorado Department of Human Services

INTRODUCTIONS

Chair Ann Roan and Ombudsman Stephanie Villafuerte facilitated the meeting via teleconference. Board members and Office of Colorado's Child Protection Ombudsman (CPO) staff participated via Zoom teleconferencing.

Chair Roan welcomed everyone.

REVIEW AND APPROVAL OF MINUTES

January 12, 2023, Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on January 12, 2023. Jerene Petersen made a motion to approve the final minutes of the January 12, 2023, meeting. Comm. Wendy Buxton-Andrade seconded the motion. The motion passed unanimously.

February 9, 2023, Subcommittee Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the CPO Board Bylaw and Policy Subcommittee held on February 9, 2023. Benjamin Rounsborg made a motion to approve the final minutes of the February 9, 2023, meeting. Comm. Charles Tedesco seconded the motion. The motion passed unanimously.

February 23, 2023, Subcommittee Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the CPO Board Bylaw and Policy Subcommittee held on February 23, 2023. Comm. Buxton-Andrade made a motion to approve the final minutes of the February 23, 2023, meeting. Comm. Tedesco seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Director Joe Homlar introduced himself to the Board and described his position with the Colorado Department of Human Services (CDHS). He stated she would be regularly attending Board meetings to stay informed about the work of the CPO. Ombudsman Villafuerte and Chair Roan welcomed Director Homlar.

EXECUTIVE SESSION

At 8:10 a.m., Chair Roan called for a motion to enter executive session for the purposes of reviewing an anonymous complaint filed with the Board on February 27, 2023.

Comm. Tedesco made a motion to enter executive session for the purposes described above. Comm. Buxton-Andrade seconded the motion. The motion passed unanimously.

Executive Session was held for the Board to receive legal advice pursuant to §24-6-402(3)(a)(II), C.R.S.

The Executive Session was recorded in compliance with §24-6-402(2)(d.S)(I)(A), C.R.S

Ombudsman Villafuerte and First Assistant Attorney General Robert Finke attended the executive session in whole.

At 8:22 a.m. Chair Roan returned the meeting to open session. Judge Amanda Hopkins made a motion to dismiss the complaint because it was filed anonymously. Judge Kenneth Plotz seconded the motion. The motion passed unanimously.

Board Business

Chair Roan confirmed that members had reviewed the proposed revisions to the CPO Board Bylaws and CPO Board Public Complaint Process. Present members confirmed they had the documents and were prepared to review the proposed revisions submitted by the Subcommittee on Bylaws and Policy (Subcommittee). Chair Roan acknowledged the Subcommittee and thanked them for their work to get through the material. The Board then reviewed each document.

CPO Board Bylaws

Chair Roan and First Assistant Attorney General Robert Finke led the group through the proposed changes to the CPO Board Bylaws. Present members approved several grammatical and formatting revisions, as well as amendments to reflect updates to the CPO's enabling statute. Substantive changes are provided below.

The Board agreed to make the following changes:

- Ensure the schedule for the Board's meetings is made available.
- Recognize the ongoing use of remote meetings.
- Ensure the Board chair may set the amount of time allowed during public comment.
- Board members may obtain outside human resources consultation in hiring future ombudsmen.
- Additional clarity regarding the annual evaluation of the ombudsman.
- Additional clarity regarding public complaints filed with the Board.
- Decisions made by the Board regarding public complaints are final.
- Establish that if a board member declines to recuse themselves after a conflict of interest arises, the board member must state their reasons for doing so during a public meeting.
- Revised document retention policies for the Board.

Comm. Tedesco left the meeting at 8:51 a.m.

Chair Roan asked if there was any additional discussion or questions regarding the proposed amendments. None were raised.

Chair Roan called for a motion to approve the revised CPO Board Bylaws. Mr. Rounsberg made a motion to approve the revised CPO Board Bylaws. Judge Hopkins seconded the motion. The motion passed unanimously.

The Board took a break.

CPO Board Public Complaint Process

Chair Roan called the meeting back to order at 9:15 a.m.

Chair Roan thanked First Assistant Attorney General Finke for drafting language to ensure whistleblower protections are included in the CPO Board Public Complaint Process (Complaint Process).

Present members approved several grammatical and formatting revisions, as well as amendments to reflect updates to the CPO's enabling statute. Substantive changes are provided below.

The Board agreed to make the following changes:

- Provide clarity that human resource concerns from current and former CPO employees fall outside the purview of the Complaint Process purview.
- Complaints must be in writing.
- Established a revised timeline for responding to complaints.
- Ensure the ombudsman or chair may decide to hear these complaints in executive session and the Board is entitled to receive legal advice from the Colorado Department of Law.
- Ensure the public complaint process is on the CPO website.

Chair Roan decided to postpone a vote on the revised Complaint Process so members may review the draft prior to the next meeting. The revised draft will be distributed in the May meeting information packet.

MAY HYBRID BOARD MEETING

Ombudsman Villafuerte proposed holding the May 11, 2023, meeting as a hybrid meeting. This would allow members who are able to attend in-person to meet at the Ralph Carr Judicial Center for the first time in more than three years. In-person meetings were transferred to remote meetings in response to the COVID-19 pandemic. As a result, many of the current board members have not had the opportunity to meet in person. Ombudsman Villafuerte stated that the CPO team would also be able to offer a remote attendance option as well.

Board members expressed excitement at this opportunity. Chair Roan called for a motion regarding the May 11, 2023, meeting.

Judge Hopkins made a motion to hold the May 11, 2023, CPO Board meeting as a hybrid meeting. Mr. Rounsberg seconded. The motion passed unanimously.

SUBCOMMITTEE ON OMBUDSMAN ANNUAL PERFORMANCE EVALUATION PROCESS

Chair Roan informed the Board that an additional subcommittee is needed to address the annual performance evaluation of the ombudsman. This subcommittee will address the timeline, forms and procedures for administering the review. She stated the need to create a standard, more streamlined process for the Board and the ombudsman. Chair Roan volunteered to serve on the subcommittee and asked for additional volunteers. Judge Hopkins, Ms. Petersen and Brian Bernhard agreed to serve. Chair Roan thanked the volunteers and stated that CPO staff will work to help schedule the subcommittee's meetings.

ADJOURN

The Board formally adjourned the meeting at 10:23 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on March 9, 2023, of the Colorado Child Protection Ombudsman Board substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Board and in compliance with the Open Meetings Law, § 24-6-402, C. R.S.

Ann M. Roan

Board Chair

May 16, 2023

Date

Judith Mastz

Board Vice-Chair

May 16, 2023

Date

